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PENNSYLVANIA BULLETIN

Volume 35

Number 22

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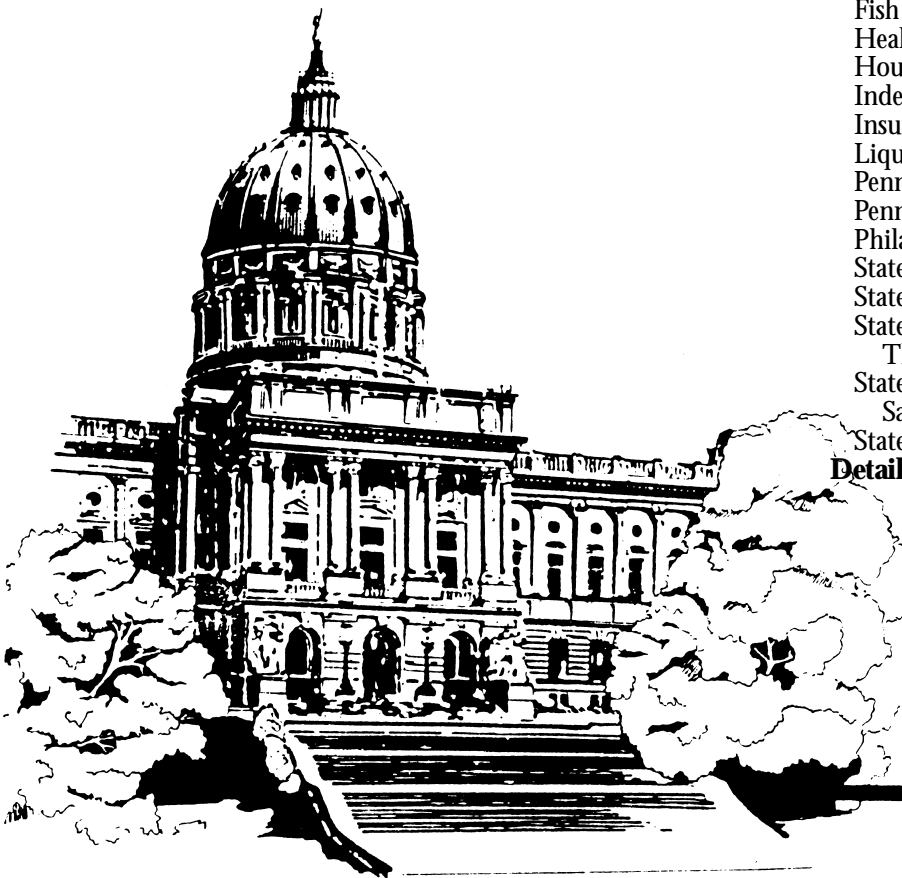
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Draft Temporary Regulations

Part I

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State Board of Nursing
State Board of Social Workers, Marriage and Family
Therapists and Professional Counselors
State Board of Vehicle Manufacturers, Dealers and
Salespersons
State Employees' Retirement Board

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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 366, May 2005

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

Adoption, Amendment or Repeal of Regulations

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

Bulletin before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

Citation to the *Pennsylvania Bulletin*

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

Pennsylvania Code

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

SUBSCRIPTION INFORMATION: (717) 766-0211
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530

Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2005.

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THE COURTS

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Frank Martino, III, having been disbarred from the practice of law in the State of New Jersey by Order dated November 29, 2004, the Supreme Court of Pennsylvania issued an Order on May 11, 2005, disbarring Frank Martino, III, from the Bar of this Commonwealth, effective June 10, 2005. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 05-1042. Filed for public inspection May 27, 2005, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that John Martin DeLaurentis having been suspended from the practice of law in the State of New Jersey for a period of one year, the Supreme Court of Pennsylvania issued an Order on May 11, 2005, suspending John Martin DeLaurentis from the Bar of this Commonwealth, effective June 10, 2005, consistent with

the Order of the Supreme Court of New Jersey filed November 29, 2004, to run consecutive to the suspension imposed by the Supreme Court of Pennsylvania on March 7, 2003. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 05-1043. Filed for public inspection May 27, 2005, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania issued May 11, 2005, Kirk Allen McDaniel is *Suspended* from the practice of law for a period of one year and one day, to be effective June 10, 2005. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 05-1044. Filed for public inspection May 27, 2005, 9:00 a.m.]

RULES AND REGULATIONS

Title 4—ADMINISTRATION

DEPARTMENT OF STATE

[4 PA. CODE CH. 161]

Fees for Notary Services

The Department of State (Department) amends § 161.1 (relating to schedule of fees) by amending the fees that notaries public may charge for their services.

A. *Effective Date*

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

B. *Statutory Authority*

The final-form rulemaking is authorized under section 21 of the Notary Public Law (act) (57 P.S. § 167), which requires that the fees of notaries public be fixed by the Secretary of the Commonwealth (Secretary) with the approval of the Attorney General. Although section 21 of the act does not require the Secretary to establish notary public fees through the regulatory process, the last notary public fee increase, which occurred on February 11, 1984, was brought about through the rulemaking process and the Secretary determined that it was in the best interest of the public to also provide for public comment on this rulemaking. Under section 16 of the act (57 P.S. § 162), as amended by the act of December 9, 2002 (P.L. 1269, No. 151) (Act 151) (effective July 1, 2003), notaries public shall in addition to their other powers have the power to administer verifications and therefore, this rulemaking adds a fee for verifications.

C. *Notice of Proposed Rulemaking and Comments Received*

Notice of proposed rulemaking was published at 34 Pa.B. 3136 (June 19, 2004). The Department entertained public comment on the proposed rulemaking for 30 days. It received public comments from the National Notary Association and the Pennsylvania Association of Notaries, both of which sent letters expressing support for the proposed amendment. In accordance with the Regulatory Review Act (71 P.S. §§ 745.2—745.15), the Department submitted the proposed amendment to regulatory review bodies. The Independent Regulatory Review Commission (IRRC) indicated that it had no objections, comments or recommendations on the regulation. No comments were received from either the House or Senate State Government Committee.

D. *Background and Purpose*

As previously noted, the fees that notaries public may charge for their services have not been increased since February 11, 1984. (See 14 Pa.B. 431.) Yet, the costs that notaries public now incur have increased substantially since 1984. For example, the minimum cost to become a notary public, including the Department's application fee, obtaining mandatory education under Act 151 (for notaries appointed after July 1, 2003) at a minimum of \$35 per class, securing a bond, obtaining a rubber stamp seal and purchasing a register, has increased from about \$46.50 to approximately \$128 since 1984.

One of the major purposes of the final-form rulemaking, which increases fees from \$2 to \$5 for most services, is to help the fees of notaries public bear a closer correlation to increases in the Consumer Price Index, which, according

to the United States Department of Labor, Bureau of Labor Statistics, rose 85.4% between August 1984 and September 2004.

The final-form rulemaking will also help notaries public better absorb the increased costs they face for the notary public application process, supplies, recordkeeping and recording fees. For example, all recorders of deeds charge notaries public fees for recording their oath, commission and bond with the fees ranging from \$32.50 to \$70.50. In addition, the final-form rulemaking will defray the costs incurred by those applicants subject to the mandatory notary public education requirement in Act 151. Applicants are typically paying at least \$35 for the 3-hour course and possibly as much as \$159 for the course offered by some providers.

Finally, another major purpose is to help ensure that notary public fees remain competitive with the fees that notaries public may charge in other states. In contrast to the \$2 that notaries public may charge for their services in this Commonwealth, a total of 19 other states, including Delaware, have set their fees at \$5 or higher.

E. *Fiscal Impact and Paperwork Requirements*

The final-form rulemaking will have no adverse fiscal impact on the Department, the Bureau of Commissions, Elections and Legislation (Bureau) or the notaries public it commissions. The final-form rulemaking will also have no adverse fiscal impact on the Commonwealth or its political subdivisions. In addition, the final-form rulemaking will not impose any additional paperwork requirements upon the Commonwealth, its political subdivisions or the private sector.

F. *Sunset Date*

The Secretary and the Department monitor the regulations of the Bureau on a continuing basis. Therefore, no sunset date has been assigned.

G. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 19, 2004, the Department submitted a copy of the notice of proposed rulemaking, published at 34 Pa.B. 3136, to IRRC and the Chairpersons of the Senate State Government Committee and the House State Government Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on April 27, 2005, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC, effective April 27, 2005.

I. *Additional Information*

Individuals who require information about the final-form rulemaking should contact Nancy Chavez, Deputy Commissioner, Bureau of Commissions, Elections and Legislation, Department of State, 210 North Office Building, Harrisburg, PA 17120.

J. Findings

The Secretary finds that:

(1) Public notice of intention to adopt the final-form regulation was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) The final-form regulation is necessary and appropriate for administering and enforcing the authorizing acts identified in Part B of this preamble.

K. Order

The Secretary, acting under the authorizing statute, orders that:

(a) The regulations of the Department, 4 Pa. Code Chapter 161, are amended by amending § 161.1 to read as set forth at 34 Pa.B. 3136.

(b) The Department shall submit this order and 34 Pa.B. 3136 to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Department shall certify this order and 34 Pa.B. 3136 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on publication in the *Pennsylvania Bulletin*.

PEDRO A. CORTES,
Secretary of the Commonwealth

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 35 Pa.B. 2972 (May 14, 2005).)

Fiscal Note: Fiscal Note 16-33 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 05-1045. Filed for public inspection May 27, 2005, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 71]

School Bus Drivers

The Department of Transportation (Department), under the authority in 75 Pa.C.S. § 1509 (relating to qualifications for school bus driver endorsement), proposes to amend §§ 71.2 and 71.3 (relating to definitions; and physical examination) to read as set forth in Annex A.

Purpose of Chapter

The purpose of Chapter 71 (relating to school bus drivers) is to define more fully the requirements of 75 Pa.C.S. § 1509 by listing minimum medical requirements for school bus drivers.

Purpose of the Proposed Rulemaking

The purpose of this proposed rulemaking to Chapter 71 is to allow chiropractors to administer the physical examination required for school bus drivers. Pennsylvania law requires a school bus driver to have a physical examination every year. According to Department regulations, the only health care providers who can perform that physical are licensed physicians, certified registered nurse practitioners or physician's assistants. The Pennsylvania Chiropractic Association has requested chiropractors also be allowed to conduct physicals as part of the process of obtaining a driver's license.

Chiropractors are currently considered by health insurance companies to be portal of care practitioners. This means they are regarded as primary care physicians, permitted to furnish necessary patient care for health maintenance. They are also allowed, by Federal regulation, to conduct the medical examinations for commercial drivers required every 2 years by the Federal Highway Administration under Motor Carrier Safety regulations. Since the exclusion of chiropractors from the Department's list of health care providers is inconsistent with current health care practices and Federal regulations, chiropractors should be added to Chapter 71 as one of the providers who can give the school bus driver's physical examination.

Summary of Significant Amendments

Section 71.2 has been amended to add the term "Doctor of Chiropractic Medicine." This definition reflects the definition of "chiropractic specialty" used by the State Board of Chiropractic.

Section 71.3 has been amended to add the term "Doctor of Chiropractic Medicine" to the list of providers authorized to perform the school bus driver's physical examination.

Persons and Entities Affected

The regulation affects all licensed school bus drivers or persons interested in becoming a school bus driver and chiropractors.

Fiscal Impact

Implementation of this proposed rulemaking will not require the expenditure of any additional funds by the Commonwealth or local municipalities. This proposed rulemaking will not impose any additional costs on the

medical community and may reduce costs by allowing applicants for a learner's permit to get their physical examination from their primary care physician.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 13, 2005, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

Sunset Provisions

The Department will make this proposed rulemaking effective upon final-form publication following appropriate evaluation of comments, suggestions or objections received during the period allowed for public comment. The Department is not establishing a sunset date for this regulation, since the regulation is needed to administer provisions required under 75 Pa.C.S. (relating to the Vehicle Code). The Department, however, will continue to closely monitor the regulation for its effectiveness.

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Rebecca L. Bickley, Director, Bureau of Driver Licensing, 1101 South Front Street, Harrisburg, PA 17104 within 30 days of the publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

Contact Person

The contact person for technical questions about the proposed rulemaking is Chris A. Miller, Manager, Special Driver Programs, Department of Transportation, Bureau of Driver Licensing, 1101 S. Front Street, 3rd Floor, Harrisburg, PA 17106, (717) 787-6453.

ALLEN D. BIEHLER, P. E.,
Secretary

Fiscal Note: 18-402. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE IV. LICENSING

CHAPTER 71. SCHOOL BUS DRIVERS

§ 71.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Doctor of Chiropractic Medicine—A person licensed in this Commonwealth who has achieved certification or diplomate status through a program by an approved chiropractic college that has established valid standards acceptable to the State Board of Chiropractic for the achievement of certification or diplomate status and is able to diagnose and treat patients whose health problems are associated with the body's muscular, nervous and skeletal systems, especially the spine.

* * * * *

§ 71.3. Physical examination.

(a) *General rule.* A physical examination shall be given by a school transportation physician, a **Doctor of Chiropractic Medicine**, a CRNP or a physician assistant:

* * * * *

[Pa.B. Doc. No. 05-1046. Filed for public inspection May 27, 2005, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CHS. 54 AND 57]

[L-00040169]

Provisions of Default Service; Extension of Public Comment Period

*Rulemaking Regarding Electric Distribution Companies'
Obligation to Serve Retail Customers at the Conclusion of
the Transition Period Under 66 Pa.C.S. § 2807(e)(2);
Doc. No. L-00040169*

A proposed rulemaking was published at 35 Pa.B. 1421 (February 26, 2005). Comments to this rulemaking were due by April 27, 2005. Reply comments were accordingly due within another 30 days, or May 27, 2005. Given the large volume of public comments received, the Pennsylvania Public Utility Commission finds that the public interest is served by extending the reply comment deadline to June 27, 2005. In addition to serving copies on the Secretary's Bureau, interested parties should also forward copies of their reply comments by e-mail to Shane Rooney and Cyndi Page at srooney@state.pa.us and cypage@state.pa.us.

[Pa.B. Doc. No. 05-1047. Filed for public inspection May 27, 2005, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Community and Economic Development

The Executive Board approved a reorganization of the Department of Community and Economic Development effective May 13, 2005.

The organization chart at 35 Pa.B. 3148 (May 28, 2005) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 05-1048. Filed for public inspection May 27, 2005, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Conservation and Natural Resources

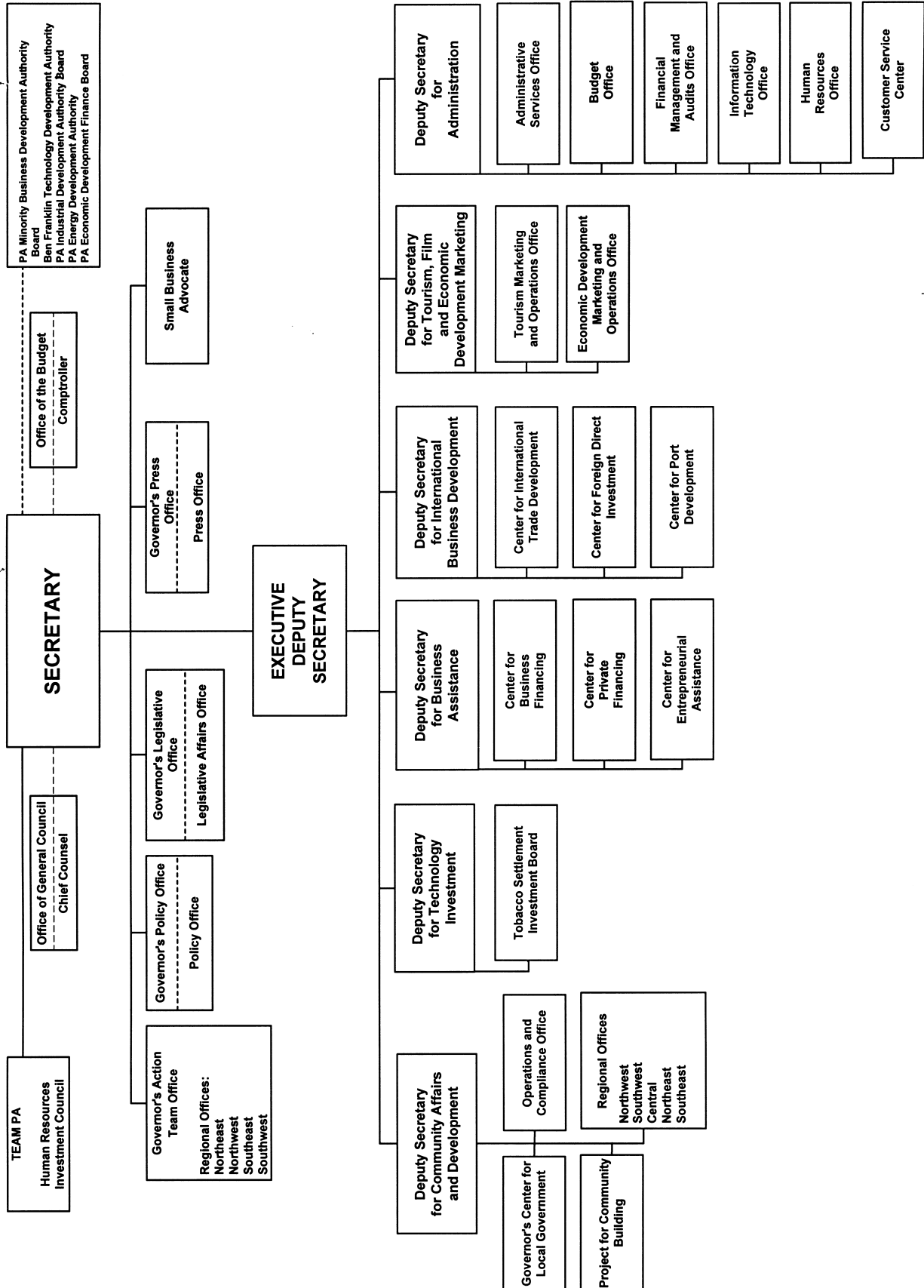
The Executive Board approved a reorganization of the Department of Conservation and Natural Resources effective May 13, 2005.

The organization chart at 35 Pa.B. 3149 (May 28, 2005) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

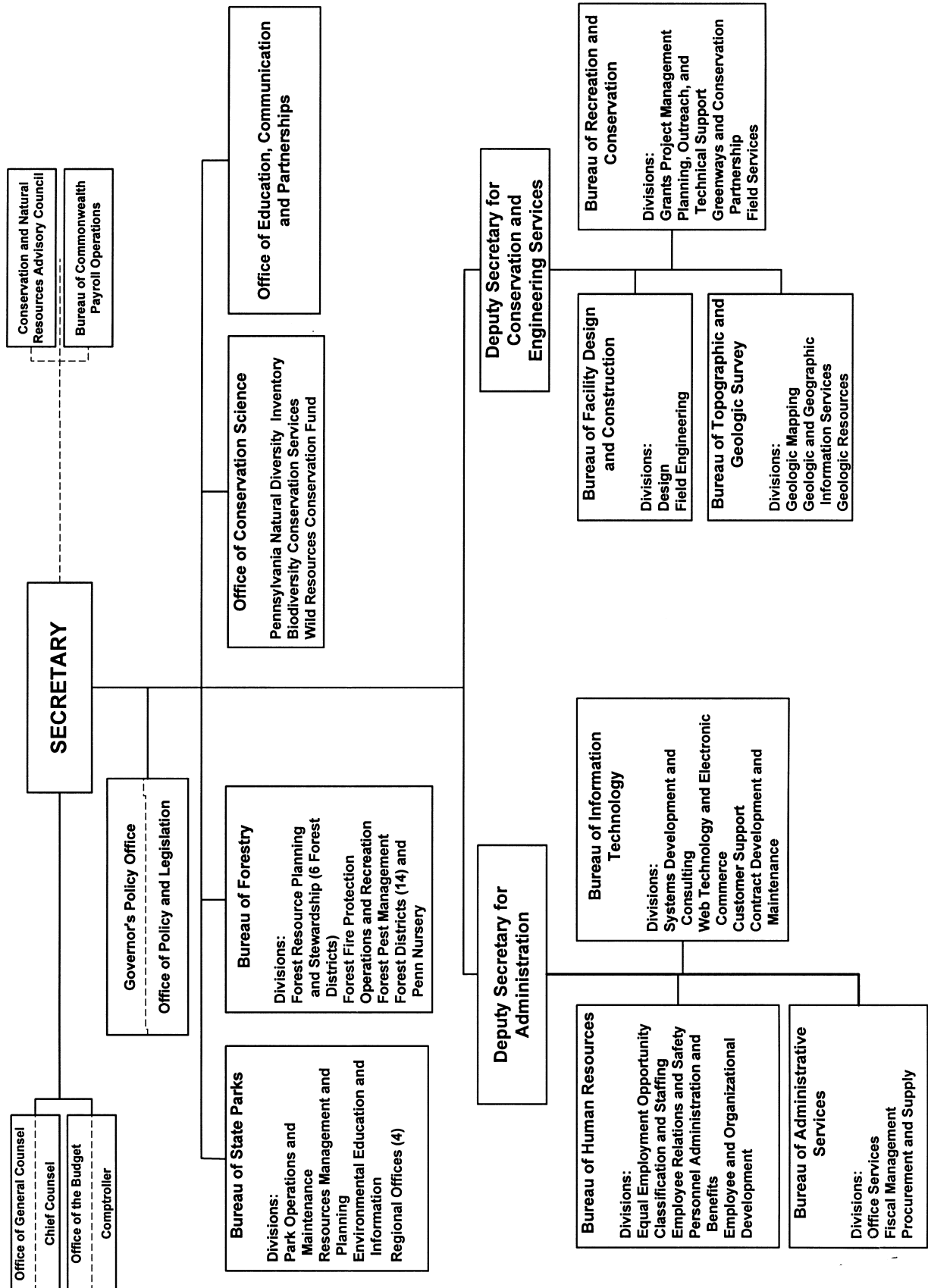
(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 05-1049. Filed for public inspection May 27, 2005, 9:00 a.m.]

COMMUNITY AND ECONOMIC DEVELOPMENT



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES



Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

[49 PA. CODE CH. 49]

Department of Health Licensing of Substance Abuse Services

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) licenses professional counselors in this Commonwealth. The Department of Health (Department) licenses providers who operate health care facilities in this Commonwealth. This joint statement of policy clarifies when licensed professional counselors providing drug and alcohol treatment services will be considered to be operating a drug and alcohol treatment facility requiring licensure from the Department.

Statutory Considerations

Section 3 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act) (63 P. S. § 1903) defines “practice of professional counseling” in part as including, to the extent compatible with a practitioner’s education and professional competence, the following:

(1) The application of principles and practices of counseling, mental health and human development to evaluate and facilitate human growth and adjustment throughout the lifespan and to prevent and treat mental, emotional or behavioral disorders and associated stresses which interfere with mental health and normal human growth and development.

(2) The evaluation and assessment of normal and abnormal mental, emotional, social, educational, vocational, family and behavioral functioning throughout the lifespan; individual, group, family counseling and psychotherapy; crisis intervention, career counseling and educational and vocational counseling; functional assessment of persons with disabilities; and professional consulting.

(3) Professional counselors’ utilization of verbal and nonverbal approaches and specialization in the use of arts-based therapeutic approaches, such as art, dance, music or drama, to accomplish treatment objectives.

Section 20.2 of the act (63 P. S. § 1920.2) requires that licensees under the act refer health care problems that fall outside the boundaries of their professional competence and scope of practice, as defined in section 3 of the act, to appropriate licensed practitioners.

The transfer of Articles IX and X of the Public Welfare Code (62 P. S. §§ 901—922 and 1001—1059) to the Department vests the Department with all functions, powers and duties with regard to the regulation, supervision and licensing of drug and alcohol facilities and services. (See 71 P. S. §§ 751-25 and 751-31.)

Effective Date

This statement of policy will become effective upon publication in the *Pennsylvania Bulletin*.

Fiscal Impact and Paperwork Requirements

The statement of policy will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

RONALD E. HAYS,
Chairperson

Fiscal Note: 16A-697. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 49. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—LICENSURE OF PROFESSIONAL COUNSELORS

LICENSE

§ 49.17. Department of Health licensing of substance abuse services provided by professional counseling practices—statement of policy.

(a) *Background and purpose.* The Board licenses professional counselors in this Commonwealth. The Department of Health licenses providers who operate facilities in this Commonwealth. Licensed professional counselors may, within the scope of their practice, encounter clients who are seeking help with drug or alcohol addiction, who may need drug or alcohol addiction treatment, or who may have drug or alcohol addiction issues as part of the broader range of issues for which they seek counseling from licensed professional counselors. This section clarifies when licensed professional counselors who provide the services will be considered to be operating a drug and alcohol treatment facility requiring licensure from the Department of Health. This section expresses the joint position of the Board and the Department of Health on this matter.

(b) *Statutory authority.* The act authorizes the Board to license professional counselors and to regulate the practice of professional counseling in this Commonwealth. Articles IX and X of the Public Welfare Code (62 P. S. §§ 901—922 and 1001—1059), and regulations promulgated thereunder in 28 Pa. Code Chapter 709 (relating to standards for licensure of free-standing treatment facilities), vest the Department of Health with all functions, powers and duties with regard to the regulation, supervision and licensing of drug and alcohol facilities and services.

(c) *Guidelines.*

(1) This joint statement of policy clarifies when practitioners providing drug and alcohol treatment services will be considered to be operating a drug and alcohol treatment facility requiring licensure from the Department of Health. The term “facility” is defined by the Department of Health in 28 Pa. Code § 701.1 (relating to definitions) as “the physical location in which ongoing, structured, and systematic drug and alcohol services are delivered.” Accordingly, the Department of Health and the Board have agreed upon the following. In determining whether any person, partnership, corporation, or other legal entity intending to provide services is a facility as defined in 28 Pa. Code § 701.1, and thus subject to licensure, the Board will consider the following criteria:

(i) Whether a primary purpose of an individual or entity is to render a program of psychological, social or other therapies on a planned and regularly scheduled basis to assist individuals to deal with patterns of drug and alcohol use, abuse or dependency.

(ii) Whether an individual or entity publicly advertises or promotes itself as providing a program of distinct drug and alcohol services.

(iii) Whether an individual or entity employs staff who specialize in the provision of drug and alcohol services.

(2) If a facility meets one or more of the criteria in paragraph (1), a license may be required. The Department of Health will assess the circumstances and make a fact specific, case-by-case determination whether a license is necessary. This policy does not apply to substance abuse services that are being provided by an individual licensed professional counselor that are compatible with the practitioner's education and professional competence.

[Pa.B. Doc. No. 05-1050. Filed for public inspection May 27, 2005, 9:00 a.m.]

NOTICES

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal waste; discharge into groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 individual permits and individual stormwater construction permits in Sections IV and VI, the Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the EPA Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for a public hearing on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

I. NPDES Renewal Applications

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0057924	Joyfor Joint Venture 1604 Walnut Street Philadelphia, PA 19103	Delaware County Newtown Township	Reese's Run	Y

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0058017	Harrow Station, LLC 265 Frogtown Road Kintnersville, PA 18930	Bucks County Nockamixon Township	UNT to Lake Nockamixon	Y
PA0030431	Fox Valley Community Services Inc P. O. Box 462 Chester Heights, PA 19107	Delaware County Concord Township	West Branch of Chester Creek	Y
PA0050733	Lincoln University P. O. Box 179 1570 Baltimore Pike Lincoln University, PA 19352	Chester County Lower Oxford Township	McDonald Run	Y
PA0053783	Avon Grove School District 375 South Jennersville Road West Grove, PA 19390	Chester County New London Township	Swale to a UNT to West Branch of White Clay Creek	Y

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0034398 (Minor Sewage)	Little Washington Wastewater Company 762 West Lancaster Avenue Bryn Mawr, PA 19010-3489	Lackawaxen Township Pike County	Lake Teedyuskung (1B)	Y
PA0060330	Hawley Area Authority P. O. Box 145 Hawley, PA 18428	Pike County, Hawley Borough	Lackawaxen River HQ-TSF	Y
PA0063401 (Minor Sewage)	Monteforte Enterprises, Inc. R. R. 1, Box 222T New Milford, PA 18834	New Milford Township Susquehanna County	UNT to Nine Partners Creek (4F)	Y

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0088188 (Sewage)	Gratz Borough Municipal Authority P. O. Box 276 Gratz, PA 17030	Dauphin County Gratz Borough	UNT Wiconisco Creek/6C	Y

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0110116 Sewerage	Reynold Feger, The Hut Restaurant R. R. 2, Box 396 Herndon, PA 17830	Lower Mahanoy Township Northumberland County	Fiddlers Run 6-B	Y
PA0028282	Eagles Mere Borough Authority P. O. Box 393 Eagles Mere, PA 17731	Sullivan County Eagles Mere Borough	The Outlet (10D) UNT to The Outlet (10D) Mackeys Run (10D) UNT to Double Run (10B)	Y
PA0008591IW	NGC Industries, Inc. P. O. Box 338, Milton, PA 17847	White Deer Township Union County	West Branch Susquehanna River 10-C	Y

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0024511	Redbank Valley Municipal Authority 243 Broad Street	Mahoning Township Armstrong County	Redbank Creek 17-C	Y

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

Application No. PA 0036269, Sewage, **Stewartstown Borough Authority**, 6 North Main Street, Stewartstown, PA 17363.

Description of activity: The application is for the renewal of an NPDES permit for an increased discharge of treated sewage from a publicly owned treatment works in Hopewell Township, **York County**.

The receiving water, Ebaughs Creek, is in Watershed 7-I, and is classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Aberdeen Proving Ground in Maryland is located on Deer Creek, approximately 43 miles downstream. The discharge is not expected to affect the water supply.

The proposed final effluent limits for Outfall 001 based on an annual average flow rate of 0.625 mgd, to become effective 2 years following permit issuance when the upgraded plant is operational, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅				
(5-1 to 10-31)	15	22	XXX	30
(11-1 to 4-30)	25	40	XXX	50
Total Suspended Solids	30	45	XXX	60
Total Phosphorus	2.0	XXX	XXX	4.0
NH ₃ -N				
(5-1 to 10-31)	3.5	XXX	XXX	7.0
(11-1 to 4-30)	8.5	XXX	XXX	17
Dissolved Oxygen		Minimum of 5.0 at all times		
pH		From 6.0 to 9.0 inclusive		
Fecal Coliform				
(5-1 to 9-30)		200/100 ml as a geometric average		
(10-1 to 4-30)		5,300/100 ml as a geometric average		
Total Metals*			Monitor and	
	XXX	XXX	Report	XXX
Total Nitrogen	Monitor and			
	Report	XXX	XXX	XXX
Whole Effluent Toxicity (TUC)	XXX	XXX	2.2	XXX

*Total Metals include Total Copper, Total Lead, Total Zinc, Total Selenium, Total Silver, Total Mercury, Total Cadmium and Total Antimony.

This draft permit supersedes the draft permit published at 35 Pa.B. 2770 (May 7, 2005).

Individuals may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is in effect.

Application No. PA 0012211, SIC Code 3321, Industrial Waste, **Boyertown Foundry Company**, Ninth and Rothermel Drive, P. O. Box 443, New Berlinville, PA 19545-0220. This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to a UNT to Swamp Creek, in Colebrookdale Township, **Berks County**.

The receiving stream is classified for trout stocking fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Pennsylvania Water Company located on the Schuylkill River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Monitoring Point 101 for a design flow of 0.028 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Lead	0.004	0.008	0.010
Total Copper	0.013	0.026	0.033
Total Suspended Solids	30	60	75
pH		6.0 to 9.0 at all times	

The proposed effluent limits for Storm Water Outfalls 001 and 002 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD	XXX	Monitor and Report	XXX
COD	XXX	Monitor and Report	XXX
Oil and Grease	XXX	Monitor and Report	XXX
pH	XXX	Monitor and Report	XXX
TSS	XXX	Monitor and Report	XXX
Total Lead	XXX	Monitor and Report	XXX
Total Aluminum	XXX	Monitor and Report	XXX
Total Chromium	XXX	Monitor and Report	XXX
Total Copper	XXX	Monitor and Report	XXX
Total Cadmium	XXX	Monitor and Report	XXX
Total Arsenic	XXX	Monitor and Report	XXX
Total Iron	XXX	Monitor and Report	XXX
Phenols	XXX	Monitor and Report	XXX

Individuals may make an appointment to review the Department of Environmental Protection's files on this case by calling Jackie Tribbey, File Review Coordinator at (717) 705-4732.

The EPA waiver is in effect.

Application No. PA 0247707, Sewage, **William Bratton**, 275 Guyer Corner Road, New Enterprise, PA 16664. This facility is located in South Woodbury Township, **Bedford County**.

Description of activity: The application is for issuance of an NPDES permit for new discharge of treated sewage.

The receiving stream, a UNT to Beaver Creek, is in Watershed 11-D and is classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Saxton Municipal Water Authority is located on the Raystown Branch Juniata River, approximately 26 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0004 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
Total Suspended Solids	10	20
Total Residual Chlorine	Monitor and Report	
Dissolved Oxygen	Minimum of 5.0 at all times	
pH	From 6.0 to 9.0 inclusive	
Fecal Coliform	200/100 ml as a geometric average	

Individuals may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is in effect.

Application No. PA 0088021, SIC Code 4952, Sewage, **Dennis Christman (Christman Lake)**, 102 South Shore Drive, Lenhartsville, PA 19534-9177. This application is for renewal of an NPDES permit for a new discharge of treated sewage to a UNT of Maiden Creek, in Windsor Township, **Berks County**.

The receiving stream is classified for TSF, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the City of Reading located on Lake Ontelaunee. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0785 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
NH ₃ -N	20	40
Total Residual Chlorine	0.47	1.5
Dissolved Oxygen	Minimum of 5.0 at all times	
pH	From 6.0 to 9.0 inclusive	
Fecal Coliforms	200/100 ml as a geometric average	
(5-1 to 9-30)	5,200/100 ml as a geometric average	
(10-1 to 4-30)		

Individuals may make an appointment to review the Department of Environmental Protection's files on this case by calling Jackie Tribbey, File Review Coordinator at (717) 705-4732.

The EPA waiver is in effect.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

PA0001791, Industrial Waste. **Osram Sylvania Products, Inc.**, P. O. Box 129, Warren, PA 16365-0129. This proposed facility is located in City of Warren, **Warren County**.

Description of Proposed Activity: discharge of treated industrial wastewater, NCCW and stormwater.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Emlenton Water Company and the Allegheny River located at Emlenton, approximately 97 miles below point of discharge.

The receiving stream, the Allegheny River, is in watershed 16-B and classified for: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Suboutfall 101 based on a design flow of 0.154 mgd.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX				
Total Copper			2.07	3.38	5.2
Total Lead			0.43	0.69	1.1
Total Nickel			2.38	3.98	5.9
Total Silver			0.015	0.03	0.042
Total Suspended Solids			20	60	60
Oil and Grease			15		30
pH			6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 001 based on a design flow of 0.104 mgd.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH			6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 002 based on a design flow of 0.019 mgd.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX				
Oil and Grease			15		30
pH			6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 003 based on a design flow of 0.067 mgd.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX				
Oil and Grease			15		30
pH			6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 004 based on a design flow of 0.026 mgd.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH			6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 006 based on a design flow of 0.001 mgd.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX				
Oil and Grease			15		30
pH			6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 005 based on a design flow of n/a mgd.

The proposed effluent limits for Outfalls 007—010 based on a design flow of n/a mgd.

Parameters	Loadings		Concentrations		
	Average	Maximum	Average	Maximum	Instantaneous
	Monthly (lb/day)	Daily (lb/day)	Monthly (mg/l)	Daily (mg/l)	Maximum (mg/l)

These discharges shall consist of uncontaminated stormwater runoff.

XX — Monitor and report.

The EPA waiver is not in effect.

III. WQM Industrial Waste and Sewerage Applications Under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

QM Permit No. 0903410 Amendment A-2, Sewerage, **Erickson Retirement Communities**, 703 Maiden Choice Lane, Baltimore, MD 21228. This proposed facility is located in Warminster Township, **Bucks County**.

Description of Action/Activity: Expansion of collection system to serve Retirement Community and Business Park.

WQM Permit No. 1505415, Sewerage, **Westtown Township**, 1039 Wilmington Pike, West Chester, PA 19382. This proposed facility is located in Westtown Township, **Chester County**.

Description of Action/Activity: Construction and operation of a wastewater pumping station to serve 22 lots of a 36 lot residential subdivision.

WQM Permit No. 4600406, Amendment Sewerage, **Lower Moreland Township Authority**, 640 Red Lion Road, Huntingdon Valley, PA 19006-6234. This proposed facility is located in Lower Moreland Township, **Montgomery County**.

Description of Action/Activity: Expand capacity of existing WWTP from 0.220 mgd to 0.2795 mgd.

WQM Permit No. 4605407, Sewerage, **Franconia Sewer Authority**, 671 Allentown Road, Box 128, Franconia, PA 18924. This proposed facility is located in Franconia Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a sanitary pump station and force main to serve a ten lot subdivision.

WQM Permit No. 1505416, Sewerage, **West Bradford Township**, 1385 Campus Drive, Downingtown, PA 19335-3690. This proposed facility is located West Bradford Township, **Chester County**.

Description of Action/Activity: Construction and operation of a sewage pump station for 37 lot single family residence proposed for a tract totaling 75.211 acres.

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

WQM Permit No. 4005402, Sewerage, **Salem Township**, 400 Luzerne Avenue, P. O. Box 405, Berwick, PA 18603. This proposed facility is located in Salem Township, **Luzerne County**.

Description of Proposed Action/Activity: This project involves the construction of a new sanitary system and three pump stations to serve East Berwick, Beach Haven and the Route 11 Corridor in Salem Township, Luzerne County.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

WQM Permit No. 0604401, Amendment 05-1, Sewerage, **Reading Regional Airport Authority**, 2501 Bernville Road, Reading, PA 19605-9611. This proposed facility is located in Bern Township, **Berks County**.

Description of Proposed Action/Activity: Increase plant capacity to 0.42 mgd by adding an SBR treatment unit and auxilliary structures.

WQM Permit No. 0605405, Sewage, **Moselem Springs Golf Club**, 684 Eagle Road, Fleetwood, PA 19522. This proposed facility is located in Richmond Township, **Berks County**.

Description of Proposed Action/Activity: Construction/Installation of an Equiliation Tank.

WQM Permit No. 3805403, Sewerage, **Horning's Farm Market**, 901 S. College Avenue, Myerstown, PA 17067. This proposed facility is located in Jackson Township, **Lebanon County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow wastewater treatment facility to treat and dispose of wastewater produced by the farm market/store proposed for construction.

IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

V. Applications for NPDES Waiver Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI010905018	Michael Welch Crosscreek Farm Development 6356 Meetinghouse Road P. O. Box 659 New Hope, PA 18936	Bucks	Solebury Township	Aquetong Creek (HQ-CMF)
PAI011505027	Owen J. Roberts School District OJR High School Additions 901 Ridge Road Pottstown, PA 19465	Chester	South Coventry Township	Pigeon Creek—North (HQ-MF-TSF) French Creek—South (EV)

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Carbon County Conservation District: 5664 Interchange Rd., Lehighton, PA 18235-5114, (610) 377-4894.

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI021305004	Vacation Charters, LTD One Lake Dr. Lake Harmony, PA 18624	Carbon	Kidder Township	Shingle Mill Run HQ-CWF
PAI021305005	Lake View Estates R. D. 4 Box 4290 Kunkletown, PA 18058	Carbon	Towamensing Township	Wild Creek—UNT to Beltsville Dam HQ-CWF

Pike County Conservation District: HC 6, Box 6770, Hawley, PA 18428, (570) 226-8220.

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI025205005	Delaware Valley School District 236 Routes 6 and 209 Milford, PA 18337-1499	Pike	Westfall Township	UNT Delaware River HQ-CWF

VII. List of NOIs for NPDES and/or Other General Permit Types

PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

PUBLIC WATER SUPPLY (PWS) PERMIT

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and any related documents are on file at the office listed before the application and are

available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Permit No. 5405502, Public Water Supply

Applicant	Borough of Orwigsburg 209 North Warren Street Orwigsburg, PA
Township or Borough	Orwigsburg Borough
County	Schuylkill
Responsible Official	Daniel Strausser, Manager
Type of Facility	Public Water System

Consulting Engineer Entech Engineering, Inc.
4 South Fourth Street
Reading, PA

Application Received Date May 5, 2005

Description of Action The replacement and extension of waterlines, upgrades to the treatment plant and upgrades to finished water storage tanks.

Permit No. 4505505, Public Water Supply

Applicant **Robinwood Village Recreation and Maintenance Fund, Inc.**

Township or Borough Chestnuthill Township

County **Monroe**

Responsible Official Gail Godshall, President
Robinwood Village Recreation and Maintenance Fund, Inc.
56 Robinwood Village
Saylorsburg, PA 18353

Type of Facility PWS

Consulting Engineer James J. Rhoades, Jr., P. E.
Alfred Benesch & Company
400 One Norwegian Plaza
P. O. Box 1090
Pottsville, PA 17901

Application Received Date May 9, 2005

Description of Action The applicant proposes to modify the existing PWS system from seven potable water supply wells to two wells and provide disinfection facilities, pH adjustment, treatment facilities, finished water storage and distribution system improvements.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Application No. 3540070, Minor Amendment.

Applicant **Aqua Pennsylvania, Inc.**
204 East Sunbury Street
Shamokin, PA

Township or Borough Hazle Township
Luzerne County

Responsible Official Richard Subasic, VP

Type of Facility Public Water System

Consulting Engineer CET Engineering Services
1240 N. Mountain Road
Harrisburg, PA

Application Received Date May 5, 2005

Description of Action The construction of a water storage tank, installation of pressure reducing valves and water main replacement. The project is in the Eagle Rock Resort.

Application No. 3540071, Minor Amendment.

Applicant **Aqua Pennsylvania, Inc.**
204 East Sunbury Street
Shamokin, PA

Township or Borough East Union Township
Schuylkill County

Responsible Official Richard Subasic, VP

Type of Facility Public Water System

Consulting Engineer CET Engineering Services
1240 N. Mountain Road
Harrisburg, PA

Application Received Date May 5, 2005

Description of Action The construction of a 130,000-gallon water storage tank. The tank is in the Village of Oneida.

WATER ALLOCATIONS

Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

WA4-1005, Water Allocations, **Municipal Authority of the Borough of Conway**, 1208 Third Avenue, Conway, PA 15027, **Beaver County**. The applicant is requesting a subsidiary allocation to purchase 450,000 gpd, peak day, of water from the Beaver Falls Municipal Authority, Beaver County.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed

remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office before which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Becker Property, City of Philadelphia, **Philadelphia County**. Matthew Grubb, Environmental Maintenance Co., Inc., on behalf of Peter Becker, 1239 Pleasure Ave., Ocean City, NJ 08224 has submitted a Notice of Intent to Remediate. Soil at the site was impacted by No. 2 fuel oil. Fuel oil was released from an aboveground storage tank in the basement of the home. The planned future use of the property is for residential use.

US Steel Fairless Works, Old Central Maintenance Shop Parcel, Falls Township, **Bucks County**. Colleen Costello, US Steel Corp., 600 Grant St., Room 2068, Pittsburgh, PA 15219 on behalf of Parker Adams, US Steel Corp., 600 Grant St., Room 2068, Pittsburgh, PA 15219 has submitted a Notice of Intent to Remediate. Soil at the site was impacted with inorganics and PCBs. The planned future use is nonresidential involving assembly, storage, manufacturing and light industrial uses.

Graco Children's Products, Inc., Elverson Borough, **Chester County**. Jeremy W. Bolyn, Patriot Environmental Mgmt., LLC, P. O. Box 629, Douglassville, PA 19518 on behalf of Lou Meschede, Newell Rubbermaid, 2707 Butterfield Road, Suite 100, Oak Brook, IL 60523 has submitted a Notice of Intent to Remediate. Chlorinated solvents impacted soil and groundwater at the site. The future use of the site is industrial use.

433 Washington St. Property, Conshohocken Borough and Whitemarsh Township, **Montgomery County**. Michael Gonshor, P. G., Roux Assoc., Inc., 1222 Forest Pkwy, Suite 190, West Deptford, NJ 08066 on behalf of Scott Backer, Washington St. Assoc. III, L. P., 700 S. Henderson Rd., Suite 225, King of Prussia, PA 19406 has submitted a Notice of Intent to Remediate. Soil at the site was impacted by lead and inorganics. The planned use of the property is mixed used commercial and residential with commercial buildings and multistory apartments, constructed above grade with the ground level of all residential buildings consisting of parking.

Former Selas Corp. of America Fac., Upper Dublin Township, **Montgomery County**. Jamey Stynchula, Pennoni Assoc., Inc., 3001 Market St., Philadelphia, PA 19104 on behalf of Peter Clelland, BT Limekiln, L. P., 2600 Philmont Ave., Suite 212, Huntingdon Valley, PA 19006 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site was impacted by inorganics and PCB's. The proposed future use of the property is residential.

Northcentral Region: Environmental Cleanup Program, 208 West Third Street, Williamsport, PA 17701.

CPO2, Mifflinburg Borough, **Union County**. Moleseich Environmental, P. O. Box 654, Lewisburg, PA 17837, has submitted a Notice of Intent to Remediate soil, contaminated with heating oil. This site is being remediated to meet a Site-specific Standard.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Housing & Neighborhood Development Svc., City of Warren, **Warren County**. Shay L. Meinzer, Housing & Neighborhood Development Svc., 502 East 12th Street, Erie, PA 16503 on behalf of Mark Patterson, Patterson-Erie Corp., 1250 Tower Lane, Erie, PA 16505 has submitted a Notice of Intent to Remediate. Soil and Groundwater at the site have been impacted by releases from former underground storage tank systems. Future plans for site include construction of a four-bedroom ranch style home for adults with developmental disabilities.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

Permit Application No. 100549. Waste Mgmt. Disposal Svc. of Pa. Inc., 1000 New Ford Mill Road, Morrisville, PA 19067, Douglass and West Pottsgrove Townships, **Berks and Montgomery Counties**. Application to increase leachate storage capacity at the Pottstown Landfill. The application was received by the Southeast Regional Office on May 9, 2005.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State

operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121–143, the Federal Clean Air Act (act) and regulations adopted under the act.

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.

40-318-054: C and A Casket, Inc. (610 Main Street, Duryea, PA 18642) for construction of four paint spray booths and associated air cleaning devices at their facility in Duryea Borough, **Luzerne County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.

04-00108C: Armstrong World Industries (13th Street and 10th Avenue, P. O. Box 441, Beaver Falls, PA

15010) for new water-based coating at No. 1 fabrication line at their Beaver Falls Ceiling Plant in Beaver Falls, **Beaver County**.

30-00099D: Allegheny Energy Supply Company, LLC (800 Cabin Hill Drive, Greensburg, PA 15601) for installation of an SO₃ injection system for flue gas conditioning at Hatfield's Ferry Power Station in Monongahela Township, **Greene County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.

37-185C: Universal Refractories, Inc. (915 Clyde Street, Wampum, PA 16157-0097) plan approval for addition of a blower and stack to an existing drying oven and replacement of a baghouse on an existing blending operation at the Wampum Plant in the Borough of Wampum, **Lawrence County**.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Mark Wejkszner, New Source Review Chief, (570) 826-2531.

40-318-054: C and A Casket, Inc. (610 Main Street, Duryea, PA 18642) for construction of four paint spray booths and associated air cleaning devices at their facility in Duryea Borough, **Luzerne County**. The manufacturing facility is a non-Title V facility. Annual VOC emissions from the spray booths will be less than 10 tons per year. Particulate matter emissions from the process will be controlled through the use of filter panels and will be less than 0.02 gr/dscf. The plan approval will include all appropriate monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

66-318-002: The Procter and Gamble Paper Products Co. (Route 87, Washington Township, PA) for construction of a date coder system, which will utilize 12 applicator heads to mark the products from the process areas at their facility in Washington Township, **Wyoming County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Plan Approval to The Procter and Gamble Paper Products Company for construction of a date coder system in buildings Nos. 5, 7 and 11 at their facility along Route 87, Washington Township, Wyoming County. The facility currently has a valid Title V Operating Permit No. 66-00001. Plan Approval No. 66-318-002 will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval 66-318-002 is for the construction of the date coder system, which will utilize 12 applicator heads to mark the products from the process areas. The expected VOCs emission rate will be 0.46 pound per hour or less. The construction and operation of the date coder system will result in an emission rate for VOCs of 2 tons per year. The Plan Approval and Operating Permit will include all appropriate monitoring, recordkeeping and reporting requirements designed to keep the sources

operating within all applicable air quality requirements. Further details on the conditions and the reasons for their inclusion are available upon request.

Copies of the applications, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711.

Persons who wish to provide the Department with additional information they believe should be considered prior to the issuance of this permit may submit the information to the previous address. The submittal of written comment must contain the following:

Name, address and telephone number of the commentator.

Identification of the proposed Plan Approval No. 66-318-002.

A concise statement regarding the relevancy of the information or objections to the issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on comments received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, when the Department determines notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mark J. Wejksznier, Chief, New Source Review Section, 2 Public Square, Wilkes-Barre, PA 18711, (570) 826-2528.

39-312-002: Buckeye Pipeline Co., L. P. (P. O. Box 368, 5002 Buckeye Road, Emmaus, PA 18049) for modification of the existing butane blending operation at their Macungie Station in Lower Macungie and Upper Milford Townships, **Lehigh County**. Liquefied butane will be delivered to the Macungie Station by means of tanker trucks and rail cars and off-loaded into pressurized closed-system bullet tanks. The butane will then be blended into the gasoline pipeline. The butane may also be loaded into the trucks at the truck stations. Total VOC emissions from the butane blending operation are estimated to be 1.1 tons per year. The Plan Approval will contain throughput restrictions, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements. The facility has been issued the Title V Operating Permit No. 39-00019. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

67-03132A: Voith Siemens Hydro Power Generation (P. O. Box 712, York, PA 17405) for construction of an iron powder cutting and plasma cutting operation controlled by a cyclone and cartridge collector in series at their hydro turbines and parts manufacturing facility in West Manchester Township, **York County**. The source has the potential to emit 0.1 ton PM₁₀ per year. The plan approval and subsequent State-only operating permit will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

67-05069E: Oldcastle Stone Products (P. O. Box 220, Thomasville, PA 17364) for installation of stand-alone screening and storage silos at their Thomasville Facility in Jackson Township, **York County**. The screening circuit is enclosed and the associated silos have respective bin vent controls. Maximum PM and PM₁₀ emissions are not expected to exceed 2.23 and 1.12 tons per year, respectively. The plan approval and operating permit shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.

24-158B: Rosebud Mining Co. (SR 219 Helen Mills, Ridgway, PA 15853) for a coal processing facility at their Little Toby Mine, Horton Township, **Elk County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection intends to issue a plan approval for modification/post construction of an additional screen and conveyor for a coal processing facility at their Little Toby Mine, Horton Township, Elk County. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only operating permit through an administrative amendment at a later date. Issuance of the plan approval is recommended with the appropriate conditions in the plan approval.

16-132D: Aconcagua Timber Corp.—Clarion MDF Facility (143 Fiberboard Road, Shippensburg, PA 16245) for installation of two value added lines in Paint Township, **Clarion County**. A fabric filter will control these new lines. This will allow the facility to better utilize the production capabilities of the plant. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- The PM emissions shall not exceed 0.02 gr/dscf.
- The source shall be stack tested for PM compliance.
- Maintain and operate the control device at all times the source is in operation and in accordance with the manufacturer's specifications.
- Monitor and record pressure drop across the control device daily and develop the normal operating range for pressure drop.

16-132E: Aconcagua Timber Corp.—Clarion MDF Facility (143 Fiberboard Road, Shippensburg, PA 16245) for installation of an additional finishing line that will replace part of their existing finishing operations in Paint Township, **Clarion County**. Two fabric filters will control this new finishing line. This is a Title V facility.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

01-05023: Carmeuse Lime, Inc.—Hanover Lime Plant (877 Oxford Road, Hanover, PA 17316) for operation of their dolomitic lime production facility in Oxford Township, **Adams County**. This action is a renewal of the Title V Operating Permit issued in 2000. The Title V operating permit contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

06-05050: Sunoco Pipeline L. P. (535 Fritztown Road, Sinking Spring, PA 19608-1509) for operation of a bulk gasoline pump station and storage facility (Montello Pump Station) in Spring Township, **Berks County**. The facility is subject to 40 CFR Part 63, Subpart R, National Emission Standards for Hazardous Air Pollutants from Bulk Gasoline Pipeline Break-out Stations. Several of the sources at the facility are subject to 40 CFR Part 60, Subpart Kb, Standards of Performance for New Stationary Sources. This action is a renewal of the Title V Operating Permit issued in 2000.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 823-7584.

V04-007: Smurfit-Stone Container Corp. (5000 Flat Rock Road, Philadelphia, PA 19127) for operation of their paperboard manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emissions' sources include two less than 250 mmBtu/hr boilers with the capability of burning coal, No. 6 oil and natural gas, lime and ash handling processes and two paper making and coating machines. One boiler has flue gas desulfurization and a baghouse as controls while burning coal. The other boiler has an electrostatic precipitator and a baghouse as controls while burning coal.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Ave., Philadelphia, PA 19104. For further information, contact Edward Wiener, (215) 685-9426.

Persons who wish to file protest or comments on the previous operating permit must submit the protest or comments within 30 days from the date of this notice. Protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

15-0085B: Lincoln University (1570 Baltimore Pike, Lincoln University, PA 19352) in Lower Oxford Township, **Chester County**. The Plan Approval was submitted for: (a) the modification of the burners of two existing boilers (031, 032) to low NOx burners equipped with flue gas recirculation; and (b) the installation of a new boiler, Babcock & Wilcox, that will be equipped with low NOx burners and flue gas recirculation at their facility. The permit is for a non-Title V (State-only) facility. These boilers will be firing natural gas and No. 2 Fuel oil. The

facility wide NOx emissions shall be less than 25 tons per year. The permit will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

11-00508: Johnstown Crematory (146 Chandler Avenue, Johnstown, PA) for operation of human crematory in Lower Yoder Township, **Cambria County**. This is a correction. First notice was under incorrect county.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 823-7584.

S04-016: Sea Gull Lighting Products, Inc. (25th and Wharton Streets, Philadelphia, PA 19146) for issuance of a Minor State-only Operating Permit. The facility's air emission sources include two less than 3 mmBtu/hr boilers, a drying oven, three paint booths, a paint stripping operation and a polishing process with a dust collector in the City of Philadelphia, **Philadelphia County**.

The operating permit will be issued under the 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons who wish to file protest or comments on the previous operating permit must submit the protest or comments within 30 days from the date of this notice. Protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the FWPCA (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

E39-448. Toll Brothers, Inc., Hillsborough Chase, 274 Pennington-Harbourton Road, Pennington, NJ 08534, in Lower Macungie Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain an outfall in the floodway of the Little Lehigh Creek (HQ-CWF) consisting of a 30-inch concrete U-Channel with cover, a concrete endwall and riprap apron. The outfall is part of the Lehigh Crossing residential development and is located approximately 400 feet southeast of the Spring Creek Road and Leons Drive intersection (Allentown West, PA Quadrangle N: 6.0 inches; W: 13.5 inches).

E35-383. Benton Township, P. O. Box 29, Fleetville, PA 18420, in Benton Township, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To authorize previously constructed water obstructions and encroachments associated with the Gritman Road widening project. They include the placement of fill in 0.02 acre of wetland, the removal of an existing structure and the construction and maintenance of a road crossing of a tributary to South Branch Tunkhannock Creek (CWF) consisting of a 24-inch diameter HDPE pipe. The project is located on Gritman Road (TR501) immediately south of its intersection with SR 0107. (Dalton, PA Quadrangle N: 17.5 inches; W: 5.3 inches).

E48-326A. Hercules Cement Co., L. P., P. O. Box 69, Stockertown, PA 18083-0069, in Palmer Township and Stockertown Borough, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

To amend Permit No. E48-326 to include the installation and maintenance of an additional 1,000 LF of impervious lining under the stream bed of Bushkill Creek (HQ-CWF) in an effort to remedy severe sinkhole formations and reestablish a natural channel beginning at a point approximately 500 feet upstream of the SR 0033 right-of-way (Nazareth, PA Quadrangle N: 22.4 inches; W: 2.4 inches) and continuing east to a point 100 LF downstream of the SR 2017 right-of-way (Nazareth, PA Quadrangle N: 22.4 inches; W: 1.7 inches). The work

area excludes the right-of-ways of SR 0033 and SR 2017 since the stream bed lining projects in these areas will be undertaken by the Department of Transportation.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

E36-794: BGT Realty Limited Partnership, P. O. Box 476, Ephrata, PA, 17522-0476 in Ephrata Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a grass-lined swale outfall from a stormwater basin and new roadway within the 100-year floodway of Indian Run (TSF). The roadway extension will be for Dutchland Avenue and it will connect Trout Run Road and SR 272 (Ephrata, PA Quadrangle N: 12.3 inches; W: 7.3 inches) in Ephrata Township, Lancaster County.

E31-202: Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Holidaysburg, PA 16648 in Cromwell Township, **Huntingdon County**, ACOE Baltimore District.

To fill-in 0.17 acre of wetland, the floodway and floodplain of and provide 600-foot long rock riprap protection at the right bank of Blacklog Creek (CWF) and associated improvements to improve the roadway condition SR 0522, Section 5BN located about 800 feet southeast Orbisonia Borough (Orbisonia, PA Quadrangle N: 20.35 inches; W: 1.9 inches and N: 19.5 inches; W: 0.5 inch) in Cromwell Township, Huntingdon County. The wetland impact will be mitigated in Aughwick Creek Advance Wetland Replacement site.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

E61-274, Pennzoil-Quaker State d/b/a Shell Oil Products US, 260 Elm St., Oil City, PA 16301. Pennzoil Quaker State Plant 1 Sheet Pile Wall, in Cornplanter Township, **Venango County**, ACOE Pittsburgh District (Oil City, PA Quadrangle N: 3.9 inches; W: 3.2 inches).

The applicant proposes to install and maintain a Waterloo Barrier sheet pile wall having a length of approximately 300 feet and a height (aboveground) of approximately 5 feet in the floodway of Oil Creek and in Oil Creek at the southern end of the former Pennzoil-Quaker State Rouseville refinery facility. Project includes debris removal, stream bank slope/vegetative restoration and riprap protection. A pump and treat system is currently operating to remediate and control the migration of separate phase liquids (SPLs) at the site from the former refinery that operated at the site. A portion of the SPLs are not captured by the system was periodically seeping into Oil Creek on the southern portion of the site and required installation of the sheet pile wall to control seepage. This is an after-the-fact permit. Construction of this project was completed under EP6105601 issued by the Department on January 3, 2005. Oil Creek is a perennial stream classified as a warm water fishery. This project proposes to impact approximately 300 feet of floodway and stream.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

E08-423: Columbia Natural Resources, 900 Pennsylvania Avenue, P. O. Box 6070, Charleston, WV 25362. Athens Township, **Bradford County**, United States Army Corps of Engineers, Baltimore District, (Sayre, PA 7.5' Quadrangle N: 11 inches; W: 11 inches).

To place and maintain fill in 0.035 acre of palustrine emergent wetlands for the purpose of improving an access

road that will serve a gas well drilling pad. Since this encroachment falls under the de minimis amount of an avoidable impact, 0.05 acre, no compensation will be required. The project is located south of T-817 approximately 1.8 miles northwest of the intersection of SR 4018 (Wolcott Hollow Road) and T-817 (Sunnyfield Road).

ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering,
Rachel Carson State Office Building, Floor 3, 400 Market
Street, Harrisburg, PA 17105.*

D06-509EA. Ontelaunee Orchards, Inc., P. O. Box 13613, Reading, PA 19612. Ontelaunee Township, **Berks County**, ACOE Philadelphia District.

Project proposes to breach and remove Ontelaunee Orchards Dam, which is located across a tributary to the Schuylkill River (WWF) for the purpose of restoring the stream to a free flowing condition and eliminating a threat to public safety. The dam is located approximately 200 feet east of the intersection of Gernant's Church Road (T713) and Loose Lane (T716) (Temple, PA Quadrangle N: 14.95 inches; W: 12.6 inches).

ACTIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal wastes; discharges to groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0032590 (Minor Sewage)	ARC Dam Frieden, LLC 600 Grant Street, # 900 Denver, CO 80203	Schuylkill County Wayne Township	Long Run (3A)	Y

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0113221 Sewerage	Youth Challenge International Bible Institute R. R. 2, Box 33 Sunbury, PA 17801-9599	Upper Augusta Township Northumberland County	Shamokin Creek 6-B	Y

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0222771	Honeywell Specialty Wax and Additives 1100 East Main Street Titusville, PA 16354	City of Titusville Crawford County	Oil Creek 16-E	Y
PA0102385	Springfield Restaurant Group Iron Bridge Inn STP 1438 Perry Highway Mercer, PA 16137-3738	Springfield Township Mercer County	Neshannock Creek 20-A	Y
PA0101516	Oil City Area School District Oakland Elementary School P. O. Box 929 Oil City, PA 16301-0929	Oakland Township Venango County	UNT to Two Mile Run 16-E	Y
PA0221384	GTE Operations Support Inc. HQE 03E75 600 Hidden Ridge Drive Irving, TX 75038	Oil Creek Township Venango County	UNT to Pine Creek 16-E	Y
PA0093157	Moraine Camplands Association, Inc. 281 Staff Road Slippery Rock, PA 16057	Brady Township Butler County	UNT to Big Run 20-C	Y

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

NPDES Permit No. PA0246921, Amendment No. 1, Sewage, Borough of Lenhartsville, P. O. Box 238, Lenhartsville, PA 19534. This proposed facility is located in Lenhartsville Borough, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Furnace Creek in Watershed 3-B.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

NPDES Permit No. PA0100277, Sewage Amendment No. 1, North and South Shenango Joint Municipal Authority, 3397 Dam Road, Jamestown, PA 16134. This proposed facility is located in South Shenango Township, **Crawford County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to the Shenango River in Watershed 20-A.

NPDES Permit No. PA0239542, Sewage, Impact PA, Geothermal Well, Clark and Liberty Streets, 5960 Susquehanna Trail, Turbotville, PA 17772. This proposed facility is located in City of Warren, **Warren County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to the Allegheny River in Watershed 16-B.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

WQM Permit No. 2392414 Amendment, Sewerage, Stone Mill Estates, LP, 3103 Philmont Avenue, Huntingdon Valley, PA 19006. This proposed facility is located in Concord Township, **Delaware County**.

Description of Action/Activity: Install a hypochlorite disinfection system as a backup to the existing ultraviolet system.

WQM Permit No. 4605403, Sewerage, **Ridgewood Partnership**, 2501 Whitpain Hills, Blue Bell, PA 19422. This proposed facility is located in Upper Providence Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a pump station for a 450 unit adult community.

WQM Permit No. 0905404, Sewerage, **Warwick Township Water and Sewer Authority**, 1733 Township Green, P. O. Box 315, Jamison, PA 18929. This proposed facility is located in Warwick Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a pump station and force main to serve 119 lot subdivision.

WQM Permit No. 4699404, Sewerage, **Montgomery Township Municipal Sewer Authority**, 1001 Stump Road, Montgomeryville, PA 18936-9605. This proposed facility is located in Montgomery Township, **Montgomery County**.

Description of Action/Activity: Construction of a sanitary sewage pumping station with gravity collection lines and force main.

WQM Permit No. 2305402, Sewerage, **Mel and Marilyn Drukin**, 55 Mill Race Place, Glen Mills, PA 19342. This proposed facility is located in Concord Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a single family residence small treatment plant.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

WQM Permit No. 3805402, Sewerage, **South Lebanon Township**, 188 South Fifth Avenue, Lebanon, PA 17042. This proposed facility is located in South Lebanon Township, **Lebanon County**.

Description of Proposed Action/Activity: Reconstruction of the Wilhelm Avenue Pump Station.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

WQM Permit No. 1405402, Sewerage, (SIC 4952), **Natalie Mills**, 568 Laurel Run Road, Port Matilda, PA 16870. This proposed facility will be located in Worth Township, **Centre County**.

Description of Proposed Action/Activity: Permit was issued, authorizing the construction and operation of a small flow treatment facility to serve a residence.

WQM Permit No. 1705403, Sewage, 4952, **Ronald Evans**, 2900 Strasburg Road, Coatesville, PA 16627. This proposed facility is located in Beccaria Township, **Clearfield County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate a single residence sewage plant. The sewage plant will be a septic tank, buried filter and chlorination.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

WQM Permit No. 6205201, Industrial Waste, **Ellwood National Steels**, 1 Front Street, Irvine, PA 16329. This proposed facility is located in Brokenstraw Township, **Warren County**.

Description of Proposed Action/Activity: This project is for the installation of a treatment system to treat the blowdown from the ENS vacuum degasser cooling water recycle system.

WQM Permit No. 3705402, Sewerage, **Ellwood City Borough**, 525 Lawrence Avenue, Ellwood City, PA 16117. This proposed facility is located in Ellwood City Borough, **Lawrence County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a new sewage treatment facility to replace an existing treatment system and to serve all of Ellwood City Borough and portions of Franklin, New Sewickley and Wayne Townships.

WQM Permit No. 3702406, Sewerage, Amendment No 1, **Pulaski Township Municipal Authority**, R. D. 1, Box 1043, Pulaski, PA 16143. This proposed facility is located in Pulaski Township, **Lawrence County**.

Description of Proposed Action/Activity: This project is for the relocation of a pump station to serve the New Bedford, Pine Glenn and Frizzleburg Village service areas.

WQM Permit No. 2075402, Sewerage, Amendment No. 1, **North and South Shenango Joint Municipal Authority**, 3397 Dam Road, Jamestown, PA 16134. This proposed facility is located in South Shenango Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for the rerating of the hydraulic capacity of the existing plant to 1.3 mgd from 0.945 mgs.

WQM Permit No. 2001417, Sewerage, **Dean L. Rogers**, 23662 Griffith Road, Cambridge Springs, PA 16403. This proposed facility is located in Cambridge Township, **Crawford County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

Northeast Region: Water Management Program Manager; 2 Public Square, Wilkes-Barre, PA 18711-0790.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021305003	Jim Thorpe Borough 421 North Street Jim Thorpe, PA 18229-2528	Carbon	Jim Thorpe Borough	Lehigh River HQ-CWF
PAI023904034	Homepro Estates 12 Elm Rd. Allentown, PA 18104	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF
PAI023904029	Palumbo Shoemaker Partnership 1612 West Allen St. Allentown, PA 18102	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF
PAI023904041	Larkins Associates, LP 71 West Park Ave. Vineland, NJ 08360	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF
PAI023904040	Trexlertown Plaza Associates c/o Skyline Management Corp. 600 Old Country Rd. Garden City, NJ 11530	Lehigh	Upper Macungie and Lower Macungie Townships	Little Lehigh Creek HQ-CWF

Southcentral Region: Water Management Program Manager; 909 Elmerton Avenue, Harrisburg, PA 17110.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI-0367-04-002	Dennis Pantano 2425 Spring Wood Road York, PA 17402	York	Springfield Township	Seaks Run/HQ-CWF
PAI-0328-05-002	Mower Meadows, Inc. 52 West King Street Chambersburg, PA 17201	Franklin	Guilford	Falling Spring/HQ-CWF

Northcentral Region: Water Management Program Manager; 208 West Third Street, Williamsport, PA 17701.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041403017-1 Revision 12	Rob Cooper PSU—Office of Physical Plant 101P Physical Plant Bldg. University Park, PA 16802	Centre	State College Borough	Thompson Run HQ-CWF

Southwest Region: Water Management Program Manager; 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Washington County Conservation District: 602 Courthouse Square, Washington, PA 15301, (724) 228-6774.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056305002	McGuffey School District 117 Main Street P. O. Box 431 Claysville, PA 15323-0431	Washington	Buffalo Township	Buffalo Creek (HQ-TSF)

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plants
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site

PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Falls Township Bucks County	PAG2000904200	Fairless Iron and Metal Metal Shredding Equipment 300 South Steel Road Morrisville, PA 19067	Pidcock-Mill Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Wrightstown Township Bucks County	PAG2000904131	Toll Brothers, Inc. Wrightstown Chase—Hibbs Tract 3103 Philmont Avenue Huntingdon Valley, PA 19006	Newtown Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Britain Township Bucks County	PAG2000905034	Bruce Cameron Cameron Residence 339 New Galena Road Chalfont, PA 18914	Tributary West Branch Neshaminy Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Britain Township Bucks County	PAG2000905036	Martin J. Payton Payton Residence 131 Kelsey Drive Lansdale, PA 19446	Tributary West Branch Neshaminy Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Aston Township Delaware County	PAG2002303060-1	Caesar Crogiale 12 Mt. Pleasant Road Aston, PA 19014	West Branch Chester Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bethel Township Delaware County	PAG2002305006	Bethel Road Development, LLC 112 Moores Road, Suite 200 Malvern, PA 19355	Green Creek (CWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Stroudsburg Borough Monroe County	PAG2004504006	Pocono Properties Limited 31 General Warren Blvd. Malvern, PA 19355	Brodhead Creek TSF, MF	Monroe Co. Cons. Dist. (570) 629-3060
Upper Mt. Bethel Township Northampton County	PAG2004805014	Bruce Cameron Village Properties, LLC 61 Seminole Terrace Mt. Bethel, PA 18343	Allegheny Creek CWF Oughoughton Creek CWF	Northampton Co. Cons. Dist. (610) 746-1971
Dallas Township Luzerne County	PAG2004005008	Halbing-Amato Developers, LLC 20 Winding Way Dallas, PA 18612	Tobys Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Washington Township Schuylkill County	PAG2005405009	Dennis Nolt 39457 Rockey Branch Rd. Latham, MO 65050	UNT Lower Little Swatara Creek CWF	Schuylkill Co. Cons. Dist. (570) 622-3742

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Washington Township Schuylkill County	PAG2005405008	Cleason Martin 160 Oak Rd. Pine Grove, PA 17963	500 Feet UNT Lower Little Swatara Creek CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
Lehighton Borough Carbon County	PAG2001305006	Hudson Holding Co., L. P. 2450 Shenango Valley Freeway Hermitage, PA 16148	Lehigh River TSF-CWF	Carbon Co. Cons. Dist. (610) 377-4894
Fermanagh Township Juniata County	PAG2033405005	Fermanagh Township Rec. Park Perry Walters P. O. Box 148, Mifflintown, PA 17059	Cedar Spring Run TSF	Juniata County Conservation District R. R. 5, Box 35, Mifflintown, PA 17059 (717) 436-8953, Ext. 5
Silver Spring Township Cumberland County	PAG2002105014	The Ullom Partnership, LTD Edwin Ullom 6714 Carlisle Pike Mechanicsburg, PA 17050	Hogestown Run CWF	Cumberland County Conservation District 43 Brookwood Ave. Carlisle, PA 17013 (717) 240-7812
Hampden Township Cumberland County	PAG2002105008	CVM New Reconditioning Facility Hampden Township Jerry Spease Board of Commissioners 230 South Sporting Hill Road Mechanicsburg, PA 17055	UNT to Sears Run WWF	Cumberland County Conservation District 43 Brookwood Ave. Carlisle, PA 17013 (717) 240-7812
Lower Allen Township Cumberland County	PAG2002105004	Emergency Services Building Ellis and Company Shawn Ellis 3607 Rosemont Avenue, Suite 205 Camp Hill, PA 17011	Cedar Run CWF	Cumberland County Conservation District 43 Brookwood Ave. Carlisle, PA 17013 (717) 240-7812
Upper Allen Township Cumberland County	PAG2002105009	Ellis Professional Office Conifer Reality, LLC Andrew Crossed 183 East Main Street, 6th Floor Rochester, NY 14604	Cedar Run CWF	Cumberland County Conservation District 43 Brookwood Ave. Carlisle, PA 17013 (717) 240-7812
South Lebanon Township Lebanon County	PAG2003805005	Geneva Greens Leonard Martin 595 Stracks Dam Road Myerstown, PA 17067	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
South Lebanon Township Lebanon County	PAG2003805003	Earl Hess Hess Home Builders 15 Meadow Lane Lancaster, PA 17601	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
South Annville Township Lebanon County	PAG2003805009	Steve Dresh Annville-Cleona High School 520 South White Oak Street Annville, PA 17003	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
Quincy Township Franklin County	PAG2002805038	Mark P Hickman 10333 Ft. Stouffer Road Greencastle, PA 17725	Marsh Run WWF	Franklin County Conservation District 100 Sunset Blvd. West Chambersburg, PA 17201 (717) 264-8074, Ext 5

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Columbia County Scott Township	PAG2001905008	Delmar Zeisloft P. O. Box 338 Bloomsburg, PA 17815	Trib. No. 2 to Kinney Run CWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-3247
Allegheny County South Fayette Township	PAG2000204127	Verizon Wireless 18 Abele Road Bridgeville, PA 15017	Coals Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County North Fayette Township	PAG2000205001	JJJ Properties, LLC 2403 Sidney Street Suite 200 Pittsburgh, PA 15203	Montour Run (TSF)	Allegheny County CD (412) 241-7645
Allegheny County North Fayette Township	PAG2000205002	North Fayette Township 400 North Branch Rd. Oakdale, PA 15071	Robinson Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County City of Pittsburgh	PAG2000205021	Renda Broadcasting Corporation of Nevada 900 Parish Street Pittsburgh, PA 15220-3451	Allegheny River (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Hampton Township	PAG2000205023	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106 and Trumbull Corporation 5071 William Flynn Hwy. Gibsonia, PA 15044	Crouse Run (WWF) Willow Run (TSF)	Allegheny County CD (412) 241-7645
Allegheny County City of Pittsburgh	PAG2000205024	Chartiers Eagle Realty, LP 55th Street and A.V.R.R. Pittsburgh, PA 15201	Chartiers Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Penn Hills	PAG2000205026	W D Penn Hill Investors LTD 8869 Brecksville Road Suite A Brecksville, OH 44141	Thompson Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Pine Township	PAG2000205027	Pine-Richland Area School District 702 Warrendale Road Gibsonia, PA 15044	Pine Creek (CWF)	Allegheny County CD (412) 241-7645
Allegheny County South Fayette Township	PAG2000205028	Berkshires, LLC 409 Broad Street Suite 200 Sewickley, PA 15143	Dolphine Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County City of Duquesne	PAG2000205030	City of Duquesne 12 South Second Street Duquesne, PA 15110	Monongahela River (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Hampton Township	PAG2000205032	F. C. Hampton Associates, LLC Four Gateway Center Suite 212 Pittsburgh, PA 15222	Pine Creek (CWF)	Allegheny County CD (412) 241-7645
Allegheny County Collier Township	PAG2000205039	Peter Mancini 289 Ewing Road Carnegie, PA 15106	Chartiers Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Scott Township	PAG2000205040	Chartiers Valley School District 2020 Swallow Hill Road Pittsburgh, PA 15220	Chartiers Creek (WWF)	Allegheny County CD (412) 241-7645

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Allegheny County Mt. Lebanon	PAG2000205044	Family Hospice & Palliative Care Facility 250 Mt. Lebanon Road Pittsburgh, PA 15234	Painters Run (WWF)	Allegheny County CD (412) 241-7645
Beaver County Center Township	PAG2000405006	Forza Group c/o Alan Patel 2101 Toftrees Drive Bridgeville, PA 15017	UNT to Moon Run (WWF)	Beaver County CD (724) 378-1701
Fayette County Menallen Township	PAG2002604036	Frank Kempf Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	Monongehela River (WWF)	Fayette County CD (724) 438-4497
Fayette County South Union Township	PAG2002605011	Laurel Highlands School District 204 Bailey Avenue Uniontown, PA 15401	Redstone Creek (WWF)	Fayette County CD (724) 438-4497
Indiana County Burrell Township	PAG2003205004	Bryon G. Stauffer Indiana County Development Corp. Courthouse Annex 801 Water Street Indiana, PA 15701	UNT to Blacklick Creek (CWF)	Indiana County CD (724) 463-8547
Indiana County Burrell Township	PAG2003205007	Judith H. Morrow CQ, Inc. 160 Quality Center Rd. Homer City, PA 15748	UNT to Blacklick Creek (CWF)	Indiana County CD (724) 463-8547

General Permit Type—PAG-3

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Upper Merion Township Montgomery County	PAR600062	Rossi Auto Salvage Inc. 1700 DeKalb St. King of Prussia, PA 19406	Schuylkill River 3F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
City of Philadelphia Philadelphia County	PAR600084	Jim's Auto Recycling Inc. 6299 W. Passyunk Ave. Philadelphia, PA 19153	Schuylkill River 3F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Point Township Northumberland County	PAR804877	Eldorado Properties Inc. Route 11 North Northumberland, PA 17857	Catawissa-Roaring Creeks (5F)	NorthCentral Regional Office 208 West Third Street Williamsport, PA 17701-6448 (570) 327-3664
Bald Eagle Township Clinton County	PAR234801	Croda, Inc. 8 Croda Way Mill Hall, PA 17751-8728	UNT Bald Eagle Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

General Permit Type—PAG-4

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Dauphin County West Hanover Township	PAG043580	James Castillo 7052 Fishing Creek Road Harrisburg, PA 17112	Fishing Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Huntingdon County Union Township	PAG043605	Donald Jackson R. R. 1, Box 275 Mapleton Depot, PA 17052		DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Beccaria Township Clearfield County	PAG045193	Ronald Evans 2900 Strasburg Road Coatesville, PA 16627	Storm Drain to Clearfield Creek CWF	Water Management Program Manager 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327 3666
Eldred Township Lycoming County	PAG045084	Gary Winter 142 Winter Lane Cogan Station, PA 17728	Mill Creek (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3664
Centre County Worth Township	PAG045192	Natalie Mills 568 Laurel Run Road Port Matilda, PA 16870	UNT to Oliver Run (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3664
Cambridge Township Crawford County	PAG048769	Dean L. Rogers 23662 Griffith Road Cambridge Springs, PA 16403	UNT to Gravel Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Clinton Township Venango County	PAG048702	Richard L. Cook R. R. 2, Box N 10-A Kennerdell, PA 16374	Trout Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-8

<i>Facility Location & County/ Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Contact Office & Phone No.</i>
Cumberland County Upper Allen Township	PAG083592	Upper Allen Township 100 Gettysburg Pike Mechanicsburg, PA 17055	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-8 (SSN)**Facility**Location:**Municipality & County*

York County
Lower Windsor
Township

Permit No.

PAG083505

Applicant Name & Address

Springettsbury Township
1501 Mt. Zion Road
York, PA 17402

Site Name & Location

Charles Peters
Farm—Lower
Windsor Township,
York County

Contact Office & Phone No.

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707

York County
Chanceford
Township

PAG083505

Springettsbury Township
1501 Mt. Zion Road
York, PA 17402

Jean L. Persing Farm
Chanceford Township,
York County

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707

General Permit Type—PAG-13

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: (717) 705-4707.

*NPDES**Permit No.*

PAG133705

Applicant Name & Address

Elizabethtown Borough
600 South Hanover Street
Elizabethtown, PA 17022

County

Lancaster

Municipality

Elizabethtown
Borough

Receiving Water/Use

Conoy Creek
TSF
Trib. to Conoy Creek
TSF (Back Run)
Trib. to Conoy Creek
TSF (Negley's Run)
Trib. to Conoy Creek
TSF (3)

DEP Protocol (Y/N)

Y

PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free

pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.

Permit No. 0905503, Public Water Supply.

Applicant	Rockridge, Inc. P. O. Box 1001 Limeport, PA 18060
Township	East Rockhill
County	Bucks
Type of Facility	PWS
Consulting Engineer	Keystone Consulting Engineers Inc. 433 East Broad street Bethlehem, PA 18018
Permit to Construct Issued	May 16, 2005

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 2205502 MA, Minor Amendment, Public Water Supply.

Applicant	Lykens Borough Authority
Municipality	Lykens Borough
County	Dauphin

Type of Facility Change in coagulation chemical.
 Consulting Engineer Peter Lusardi, P. E.
 CET Engineering Services
 1240 N. Mountain Rd.
 Harrisburg, PA 17112

Permit to Construct 5/16/2005
 Issued:

Operations Permit issued to: **Pennsylvania-American Water Company**, 3060069, Sinking Spring Borough, **Berks County** on 5/10/2005 for the operation of facilities approved under Construction Permit No. 0603510.

Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 4146426—Operation Public Water Supply.

Applicant **H₂O to Go**
 Township or Borough Mifflinburg Borough
 County **Union**
 Responsible Official William Brightman, P. E.
 H₂O to Go
 49 Village Square Drive
 Marietta, PA 17547
 Type of Facility Public Water Supply—Operation
 Consulting Engineer N/A
 Permit Issued Date 5/16/05
 Description of Action Special Permit-By-Rule for a new NAMA approved water dispenser and finished water holding and disinfection equipment located at Weis Market Store No. 197.

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745.

Permit No. 3204507, Public Water Supply.

Applicant **Green Township Municipal Authority**
Barr Slope Water Treatment Plant
 P. O. Box 129
 77 Musser Street
 Commodore, PA 15729
 Borough or Township Green Township
 County **Indiana**
 Type of Facility Water treatment plant
 Consulting Engineer Keller Engineers
 420 Allegheny Street
 P. O. Box 61
 Hollidaysburg, PA 16648
 Permit to Construct May 16, 2005
 Issued

Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit No. 6105501, Public Water Supply

Applicant **Sugarcreek Borough**
Waterworks
 Borough or Township Sugarcreek Borough
 County **Venango**

Type of Facility PWS
 Permit to Construct 5/17/2005
 Issued

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: (717) 705-4707.

Plan Location:

Borough or Township	Borough or Township Address	County
North Codorus Township	1986 Stoverstown Road Spring Grove, PA 17362	York

Plan Description: Lynwood Phase II-C, A3-67946-264-2: The plan provide for a 25-lot single-family residential subdivision on 20.3 acres with total proposedsewage flows of 9,600 gpd to be treated by individual onlot disposal systems. The proposed development is located on the south side of Pin Oak Drive and at the end of Lynwood Drive, just east of Oak Ridge Drive in North Codorus Township, York County. The plan was disapproved because a response has not been received to the Department's "incomplete" letter dated September 9, 2003, requesting additional project information and establishing a 60-day response time period prior to mandatory disapproval action.

HAZARDOUS SITES CLEANUP UNDER THE ACT OF OCTOBER 18, 1988

Proposed Consent Order and Agreement Langner and Murphy Site, Pine Township, Mercer County

Under section 1113 of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. § 6020.1113), notice is provided that the Department of Environmental Protection (Department) has entered into a Consent Order and Agreement (CO&A) with Thomas Construction, Inc. (Thomas Construction) concerning the proposed ownership, cleanup and redevelopment of the Langner and Murphy Site (Site).

The Site includes an approximately 52 acre property located in Pine Township, Mercer County and any adjacent areas that have been contaminated from the operations of David B. Murphy (Murphy) and Langner Enterprises. From 1985 until 2000, Murphy and Langner Enterprises disposed at the Site a variety of wastes, including military surplus, heavy equipment, drums of liquid chemicals and other wastes that contained hazardous substances. In 1999, the Department issued orders to Murphy and Langner Enterprises to investigate and clean up the Site, and the Pennsylvania Attorney General filed criminal charges against them.

Subsequently, the Department and the Pennsylvania Attorney General determined that Murphy and Langner Enterprises could not pay for the necessary investigation or cleanup of the Site and that their only substantial asset was the Site property. The Department and the Pennsylvania Attorney General settled their criminal and civil claims against Murphy and Langner Enterprises, and these settlements are documented in the plea agreement with the Pennsylvania Attorney General and the inability to pay consent order and agreement with the

Department, both dated November 6, 2000 (collectively the Murphy Settlements), which are maintained as public records at the Department's Northwest Regional Office in Meadville.

Under the Murphy Settlements, Langner Enterprises officially dissolved and Murphy was placed on criminal probation and he paid \$32,433 to the HSCA Fund. Murphy was also required to pay all property taxes and donate the Site property for public benefit. However, Murphy did not pay the property taxes since 2001, and he did not donate the Site property as required under the Murphy Settlements.

Under its authority under the HSCA, the Department has investigated some of the soil, surface water and groundwater at the Site and has removed contaminated soils, hazardous wastes and other wastes from the Site for proper disposal. To date, the Department has spent more than \$450,000 for the investigation and cleanup work at the Site. The Department planned to conduct further monitoring of the groundwater and to remove and properly dispose of the wastes and other materials that remain on the surface at the Site property.

The Department has obtained a report by a qualified real estate appraiser that identifies that the fair market value of the Site property in a clean condition for commercial and industrial uses is \$95,000. Under the CO&A that is the subject of this notice, Thomas Construction shall pay the property taxes owed for the Site property, sample groundwater from the ten existing groundwater monitoring wells at the Site for eight quarters and remove for proper disposal the remaining surface wastes and other materials at the Site. The specific terms of this settlement are set forth in the CO&A with Thomas Construction.

The Department estimates that, upon completion, the actual value of the property tax payment, monitoring and lab analyses and removal and disposal actions to be done by Thomas Construction under the CO&A will meet or exceed \$156,772 in savings to the public. If, however, the actual savings to the public is less than \$95,000 (the appraised fair market value of the Site in a clean condition for commercial/industrial uses), Thomas Construction shall pay the difference to the HSCA Fund under the CO&A.

The Department will receive and consider comments relating to the CO&A for 60 days from the date of this public notice. The Department has the right to withdraw its consent to the CO&A if the comments concerning the CO&A disclose facts or considerations which indicate that the CO&A is inappropriate, improper or not in the public interest. After the public comment period, the Department's settlement with Thomas Construction shall be effective upon the date that Thomas Construction obtains title to the Site property and the Department notifies Thomas Construction, in writing, that the CO&A is final and effective in its present form and that the Department has filed a response to significant written comments to the CO&A or that no comments were received.

The CO&A is available for inspection and copying at the Department's office at 230 Chestnut Street, Meadville, PA. Comments should be submitted, in writing, to Gary Mechtly, Project Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6648. TDD users should contact the Department through the Pennsylvania Relay Service at (800) 645-5984.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Southco, Inc. Brandywine Fac., Concord Township, Delaware County. C. Peter Barringer, Services Environmental, Inc. on behalf of David Gibson, Esq., Southco, Inc., 210 N. Brinton Lake Rd., Concordville, PA 19331 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

WCR Realty/American Appliance, Upper Darby Township, Delaware County. Craig Joss, Applied Geosciences, Inc., 401 E. Fourth St., Bldg. 12B, Bridgeport, PA 19405 on behalf of Wm. Rowland, WCR Realty Estate Mgmt., 601 N. Blackhorse Pike, Runnemede, NJ 08078 has submitted a Final Report concerning remediation of site groundwater contaminated with leaded gaso-

line. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

American Eagle Paper Plant, Tyrone Borough, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Blair County Development Corporation, 3900 Industrial Park Road, Altoona, PA 16602, submitted a Baseline Environmental Report concerning remediation of site soils and groundwater contaminated with metals, solvents, VOCs and SVOCs. The site is being remediated as a Special Industrial Area.

Fort Indiantown Gap, East Water Tower Area 16, East Hanover Township, **Lebanon County**. Tetrahedron Inc., 1414 Key Highway, Suite B, Baltimore, MD 21230, on behalf of Fort Indiantown Gap, Building 11-19, Annville, PA 17003-5002, submitted a Final Report concerning remediation of site soils contaminated by lead. The report is intended to document remediation of the site to the Statewide Health standard.

Fort Indiantown Gap, West Water Tower Area 12, East Hanover Township, **Lebanon County**. Tetrahedron Inc., 1414 Key Highway, Suite B, Baltimore, MD 21230, on behalf of Fort Indiantown Gap, Building 11-19, Annville, PA 17003-5002, submitted a Final Report concerning remediation of site soils contaminated by lead. The report is intended to document remediation of the site to the Statewide Health standard.

Fort Indiantown Gap, South Water Tower Area 8, East Hanover Township, **Lebanon County**. Tetrahedron Inc., 1414 Key Highway, Suite B, Baltimore, MD 21230, on behalf of Fort Indiantown Gap, Building 11-19, Annville, PA 17003-5002, submitted a Final Report concerning remediation of site soils contaminated by lead. The report is intended to document remediation of the site to the Statewide Health standard.

Former Teledyne Readco Facility, Spring Garden Township, **York County**. MACTEC Engineering and Consulting, Carnegie Office Park, Building 4, 700 North Bell Avenue, Suite 200, Pittsburgh, PA 15106, on behalf of Teledyne Industries, Inc., 1000 Six PPG Place, Pittsburgh, PA 15222, has submitted a revised Final Report concerning the remediation of site soils and groundwater contaminated with lead, solvents and BTEX. The report is intended to document remediation of the site to a combination of Statewide Health and Site-specific standards.

Lebo Residence, North Annville Township, **Lebanon County**. Environmental Management Associates, Inc., 209 Winding Way, Morrisville, PA 19067, on behalf of James and Regina Lebo, 10 Towpath Road, Annville, PA 17003, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to the Statewide Health standard.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Cohen A 1 Auto Prop OLD, City of Erie, **Erie County**. Pat Pontoriero, MACTEC Eng & Consulting, 700 N. Bell Ave., Pittsburgh, PA 15106, on behalf of Monica Brower, Greater Erie Industrial Development Corporation, 5240 Knowledge Parkway, Erie, PA 16510-4658, has submitted a Remedial Investigation/Final Report concerning the remediation of site soil contaminated with Lead. The reports are intended to document remediation of the site to meet the Statewide Health, Site Specific Standards.

Housing & Neighborhood Development Svc., City of Warren, **Warren County**. Shay L. Meinzer, Housing & Neighborhood Development Svc., 502 East 12th Street, Erie, PA 16503 on behalf of Mark Patterson, Patterson-Erie Corp., 1250 Tower Lane, Erie, PA 16505 has submitted a Final Report concerning the remediation of site soil contaminated with Organics and Inorganics and Groundwater with Organics. The report is intended to document remediation of the site to meet the Statewide Health Standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at

the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Yarway Corp., Whitpain Township, **Montgomery County**. Janine Jacobs, Trimpi Assoc., Inc., 1635 Old Plains Rd., Pennsburg, PA 18073 on behalf of Christine Hirschbuhl, BET Investments, 2600 Philmont Ave., Suite 212, Huntingdon Valley, PA 19006 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents and other organics. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 10, 2005.

34th and Chestnut St. Parking Lot, City of Philadelphia, **Philadelphia County**. Jamey A. Stynchula, P. G., Pennoni Assoc., Inc., 3001 Market St., Philadelphia, PA 19104 on behalf of Ira A. Kauderer, Univ. of PA, 133 S. 36th St., Suite 3000, Philadelphia, PA 19014 has submitted a Remedial Investigation Report, Cleanup Plan and Final Report concerning the remediation of site soil contaminated with semi-VOC, metals, arsenic and lead. The Remedial Investigation Report, Cleanup Plan and Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on May 11, 2005.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Reichard Residence, Lower Chanceford Township, **York County**. Marshall Miller & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Scott Reichard, 776 Frosty Hill Road, Airville, PA 17302, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The final report demonstrated attainment of the Statewide Health standard, and was approved by the Department on May 9, 2005.

South Prince Street Properties, City of Lancaster and Lancaster Township, **Lancaster County**. Environmental Standards, Inc., P. O. Box 810, Valley Forge, PA 19482-0810, on behalf of the Lancaster County Planning Commission, P. O. Box 83480, Lancaster, PA 17608-3480 and the City of Lancaster, P. O. Box 1599, Lancaster, PA 17608-1599, submitted a Baseline Environmental Report concerning remediation of site soils and groundwater contaminated with petroleum fuel-related volatile organic compounds, semivolatile organic compounds, lead, manganese, cadmium and thallium. The site is being remediated as a Special Industrial Area. The report was approved by the Department on May 12, 2005.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

GTE Muncy, Muncy Township, **Lycoming County**. URS Corporation has submitted a Final Report concerning soil contaminated with chlorinated solvents, fuel oil, No. 2 organics, leaded gasoline, other organics and unleaded fuel. This Final Report demonstrated attainment of the Site-specific Standard and was approved by the Department on May 9, 2005.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Permits Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regula-

tions to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

PAD085690592. Republic Env Sys Pa Inc., 2869 Sandstone Dr., Hatfield, PA 19440, Hatfield Township, **Montgomery County**. Permit modified to add additional residual waste codes. Permit issued by the Southeast Regional Office on May 12, 2005.

PAD002292068. Rohm & Haas Co, 5000 Richmond St., Philadelphia, PA 19137, Bristol Township, **Bucks County**. Notification of closure certification for the two Bristol facility's BIF units issued and interim status of the two BIF units terminated by the Southeast Regional Office on May 12, 2005.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

Permit No. 400658. Hatfield Township Municipal Authority, 3200 Advance Lane, Colmar, PA 18915, Hatfield Township, **Montgomery County**. Modification to previously approved radiation protection action plan for the HTMA sewage sludge incinerator. The permit was issued by the Southeast Regional Office on May 12, 2005.

Permit No. 400246. DELCORA, 100 E. 5th St., Chester, PA 19013, City of Chester, **Delaware County**. Modification to previously approved radiation protection action plan for the DELCORA sewage sludge incinerator. The permit was issued by the Southeast Regional Office on May 12, 2005.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit ID No. 300369. Allegheny Energy Supply Company, LLC, 800 Cabin Hill Drive, Greensburg, PA 15601. Operation of a residual waste landfill in Washington Township, **Armstrong County**. Permit renewal authorizing continued operations at the site until May 31, 2009.

Permit approved under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and regulations to operate solid waste processing or disposal area or site.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Permit No. 301301. Knickerbocker Pit Demonstration Facility, Reading Anthracite Company, 200 Mahantongo Street, Pottsville, PA 17901-7200. A permit renewal allowing for the continued operation for this residual waste demonstration facility, located in Mahanoy Township, **Schuylkill County**, to complete the project and to compile the final report for this project, which demonstrates the use of slurried coal ash (a residual waste from a cogeneration plant) to reclaim a dry stripping pit to the approved final grades. The source of the

placed coal ash remains the Schuylkill Energy Power Plant a/k/a the St. Nicholas Cogen. The permit renewal was issued by the Regional Office on May 9, 2005, extending the permit term until September 31, 2008.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Mark Wejkszner, New Source Review Chief, (570) 826-2531.

40-310-061GP3: Haines and Kibblehouse, Inc. (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on May 11, 2005, to construct and operate a portable stone crushing plant and associated air cleaning device at their Pikes Creek Asphalt and Crushed Stone facility in Lehman Township, **Luzerne County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.

GP3-06-05065: Glen Gery Corp. (Route 61, Box 340, Shoemakersville, PA 19555) on May 12, 2005, for Portable Nonmetallic Mineral Processing Plant under GP3 in Perry Township, **Berks County**.

GP7-67-03082A: York Graphics Services (3650 West Market Street, York, PA 17404) on May 16, 2005, for Sheetfed Offset Lithographic Printing Press under GP7 in West Manchester Township, **York County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.

15-0067D: Herr Foods, Inc. (273 Old Baltimore Pike, Nottingham, PA 19362) on May 16, 2005, to operate two fryers, potato chip line No. 4 in West Nottingham Township, **Chester County**.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Mark Wejkszner, New Source Review Chief, (570) 826-2531.

48-317-020: ConAgra Food Ingredients Co. (Route 611, Martins Creek, PA 18063) on May 9, 2005, to install three air cleaning devices to capture emissions from a bulk flour loading operation at their facility in Lower Mount Bethel Township, **Northampton County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; William Charlton, New Source Review Chief, (412) 442-4174.

11-00515A: J-LOK Corp. (258 Kappa Drive, Pittsburgh, PA 15238) on May 6, 2005, to construct a Minebolt Resin Capsule Manufacturing Facility in Cresson Township, **Cambria County**.

30-00077A: Texas Eastern Transmission, LP (P. O. Box 1642, Houston, TX 77251) on April 21, 2005, to

modify a stationary gas turbine at their Company's Holbrook Compressor Station in Richhill Township, **Greene County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.

23-0001S: Sunoco, Inc.—R and M (100 Green Street, P. O. Box 426, Marcus Hook, PA 19061) on May 13, 2005, to operate a boiler and heater in Marcus Hook Borough, **Delaware County**.

23-0089: FPL Energy Marcus Hook, L. P. (P. O. Box 426 Delaware Avenue and Green Street, Marcus Hook, PA 19061) on May 12, 2005, to operate a 750 megawatt combined cycle in Marcus Hook Borough, **Delaware County**.

46-0005M: Merck and Co., Inc. (Sumneytown Pike, P. O. Box WP20, West Point, PA 19486) on May 13, 2005, to operate a natural gas-fired combustion turbine in Upper Gwynedd Township, **Montgomery County**.

46-0033B: Waste Management Disposal Services of PA Inc. (1425 Sell Road, Pottstown, PA 19464) on May 10, 2005, to operate a landfill gas collection system in West Pottsgrove Township, **Montgomery County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.

67-05014A: The York Group, Inc. (2880 Blackbridge Road, York, PA 17402) on May 15, 2005, to install a regenerative thermal oxidizer to replace the catalytic oxidizer that is part of the system that controls VOC emissions from five spray paint booths at their wood casket manufacturing facility in Manchester Township, **York County**. This plan approval was extended.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; William Charlton, New Source Review Chief, (412) 442-4174.

32-00365B: Rosebud Mining Co. (301 Market Street, Kittanning, PA 16201) on May 10, 2005, to delete air jig coal cleaning equipment from original Plan Approval issued November 4, 2003. This Plan Approval was modified.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Michael Saffo, Facilities Permitting Chief, (570) 826-2531.

39-00004: Mack Trucks, Inc. (7000 Alburtis Road, Macungie, PA. 18062), on April 29, 2005, for their motor vehicle manufacturing facility in Lower Macungie Township, **Lehigh County**. This is a renewal of their Title V operating permit.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

38-05022: Weaber, Inc. (1231 Mt. Wilson Road, Lebanon, PA 17042-4785) on May 10, 2005, to operate a

hardwood dimensional and flooring mill in South Annville Township, **Lebanon County**. This is a renewal of the Title V operating permit.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.

25-00920: Waste Management PA—Lake View Landfill (851 Robinson Road E, Erie, PA 16509) on May 10, 2005, to reissue their Title V Operating Permit to operate a landfill in Summit Township, **Erie County**. As a result of potential emissions of NOx and VOC, the facility is not a major source, and is therefore not subject to Reasonable Available Control Technology. The issued renewal Title V Operating Permit does not reflect any changes in air emission from the facility. The facility is subject to Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.

29-03001: JLG Equipment Services, Inc. (1 JLG Drive, McConnellsburg, PA 17233-9502) on May 16, 2005, to operate a paint kitchen and three paint spray booths controlled by dry filters in Ayr Township, **Fulton County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

04-00498: World Class Processing Corp. (21 Century Drive, Ambridge, PA 15003) on May 10, 2005, to operate an HCL Pickle Line and associated Scrubber System at their facility in Ambridge, PA, **Beaver County**. New hot-rolled steel coils are processed to remove contaminants from the surface of the steel prior to the application of an electrostatic coating.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.

42-00154: Bradford Regional Medical Center (116 Interstate Parkway, Bradford, PA 16701) on May 10, 2005, to reissue a Natural Minor operating permit for operation of two natural gas-fired boilers in the City of Bradford, **McKean County**.

33-00141: National Fuel Gas Supply Corp. (Five Mile Run Road, Brookville, PA 15825) on May 10, 2005, to reissue a Natural Minor Permit to perform natural gas transmission at their Knox compressor station located in Knox Township, **Jefferson County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

15-00008: Buckeye Terminals, LLC—Malvern Terminal (8 South Malin Road, Frazer, PA 19355) on May 12, 2005, for an Administrative Amendment to Title V Operating Permit No. TVOP-15-00008 in East Whiteland Township, **Chester County**. The previously issued Title V Operating Permit has been amended to incorporate the change of ownership and other changes, as follows:

The owner name has been changed to Buckeye Terminals, LLC.

The plant name has been changed to Buckeye Malvern Terminal.

The responsible official has been changed to James A. Spicer, Vice President and General Manager, (484) 232-4434.

The permit contact person has been changed to Jason L. Mengel, Senior Environmental Specialist, (484) 232-4491.

The EPA submittal address, as indicated in Condition No. 020(b), Section B (General Title V Requirements) of the Title V Operating Permit has been changed to Air Enforcement Branch (3AP12), United States Environmental Protection Agency, Region 3, 1650 Arch Street, Philadelphia, PA 19103-2029.

The numbering format for Condition Nos. 002, 014, 019 and 023, Section C (Site Level Requirements) of the Title V Operating Permit has been changed to be consistent with the rest of the permit.

Two additional open burning exemptions have been added to Condition No. 008, Section C of the Title V Operating Permit.

The Department telephone number, as indicated in Condition Nos. 019(a) and 020(a), Section C, of the Title V Operating Permit has been changed to (484) 250-5920.

The permittee information for the Malvern Terminal and Malvern Station, as indicated in Condition No. 027, Section C, of the Title V Operating Permit, has been changed to Buckeye Terminals, LLC (Tax ID No. 23-3045458) and Buckeye Pipe Line Transportation LLC (Tax ID No. 33-1112357), respectively.

Site Level Emission Restrictions for HAPs have been added to Section F (Emission Restriction Summary), of the Title V Operating Permit.

Administrative amendment of Title V Operating Permit No. TVOP-15-00008 is issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450.

15-00105: Buckeye Pipe Line Transportation LLC—Malvern Station (8 South Malin Road, Frazer, PA 19355) on May 12, 2005, for an Administrative Amendment to Title V Operating Permit No. TVOP-15-00105, in East Whiteland Township, **Chester County**. The previously issued Title V Operating Permit has been amended to incorporate the change of ownership and other changes, as follows:

The owner name has been changed to Buckeye Pipe Line Transportation LLC.

The plant name has been changed to Buckeye Pipe Line Malvern Station.

The responsible official has been changed to Stephen C. Muther; Senior VP, General Counsel, Administration, and Secretary; (484) 232-4000.

The permit contact person has been changed to Jason L. Mengel, Senior Environmental Specialist, (484) 232-4491.

The numbering format for Condition Nos. 002, 024 and 028, Section C, of the permit, has been changed to be consistent with the rest of the permit.

The permittee information for the Malvern Station and Malvern Terminal, as indicated in Condition No. 029, Section C, of the permit, has been changed to Buckeye Pipe Line Transportation LLC (Tax ID No. 33-1112357) and Buckeye Terminals, LLC (Tax ID No. 23-3045458), respectively.

Administrative amendment of Title V Operating Permit No. TVOP-15-00105 is issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Mark Wejkszner, New Source Review Chief, (570) 826-2531.

39-00004: Mack Trucks, Inc. (7000 Alburtis Road, Macungie, PA 18062), on April 29, 2005, to incorporate the requirements from Plan Approval 39-318-112 into the renewal Title V operating permit for their motor vehicle manufacturing facility in Lower Macungie Township, **Lehigh County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.

06-03005: Rohm and Haas Chemicals LLC (150 Columbia Street, P. O. Box 15209, Reading, PA 19612-6209) on May 16, 2005, to administratively amend the operating permit for a thermo-plastic powder manufacturing facility in the City of Reading, **Berks County**. This operating permit was administratively amended to reflect a change in ownership from Mortin International a Division of Rohm and Haas. This is revision No. 1.

06-05025: Morgan Corp. (35 Thousand Oaks Boulevard, P. O. Box 588, Morgantown, PA 19543-8838) on May 16, 2005, to operate a truck body manufacturing facility at their Morgantown Plant in Caernarvon Township, **Berks County**. This operating permit was administratively amended to include an emission limit inadvertently left out during the renewal process on October 28, 2003. This is revision No. 1.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

ABANDONED MINE RECLAMATION

Cambria Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, (814) 472-1800.

Bond Forfeiture Contract
Awarded

BF 493-101.1

Location

Graham and Morris
Townships
Clearfield County

Description

Abandoned Mine Land
Reclamation Project,
Thompson Brothers Coal
Co., Mining Permit No.
17803054-01

Contractor

T. P. Sanitation
Loretto, PA 15940

Amount

\$293,375.50

Date of Award

May 12, 2005

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 P.S. §§ 691.1—691.702)

and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

E15-720. East Brandywine Township, 1214 Horse-shoe Pike, Downingtown, PA 19335-1153, East Brandywine Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain triple 54-foot long open-bottom arch culverts and associated wingwalls and outfall structure at Willow Oak Way over Culbertson Run (HQ-TSF-MF) associated with the Special School Road bridge replacement and Little Washington roadway widening project; one at 40-foot span, and a minimum of approximately 6-foot 6-inch underclearance; and two at 25-foot 2-inch span, and 8-foot 5-inch maximum underclearance. This work also includes the installation of the associated utilities, the removal of the existing culvert and construction and maintenance of a temporary cofferdam.

The project proposes to impact 96 linear feet of stream, and 0.07 acre of wetlands. The site is located just north of the intersection of Special School and Little Washington Roads, (Wagontown, PA USGS Quadrangle N: 9.7 inches; W: 1.7 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E15-711. Wilkinson Builders, 1020 Broad Run Road, Landenberg, PA 19350, East Brandywine Township, **Chester County**, ACOE Philadelphia District.

To perform the following activities associated with the proposed hide-a-way farm residential development:

1. To construct and maintain a 72-foot long, 34-foot span and 4-foot rise open bottom box culvert and associated wingwalls at Patriot Lane over an UNT to Culbertson Run (HQ-TSF-MF) impacting 83 linear feet of stream and 0.01 acre of adjacent wetlands (PFO).

2. To construct and maintain twin 63-foot long open bottom arch culverts and associated wingwalls at Randolph Drive over a UNT to Culbertson Run (HQ-TSF-MF) impacting 99 linear feet of stream and 0.09 acre of adjacent wetlands (PFO); one at 25-foot 2-inch span, and 8-foot 5-inch rise; and one at 34-foot 7-inch span, and 11-foot 4-inch rise. This work includes the installation of the associated utilities, and a stormwater outfall structure.

3. To construct and maintain triple 54-foot long open bottom arch culverts and associated wingwalls at Emma Court over a UNT to Culbertson Run (HQ-TSF-MF) impacting 107 linear feet of stream and 0.31 acre of wetlands (PEM); one at 34-foot 7-inch span, and 11-foot 4-inch rise; and two at 33-foot 1-inch span, and 12-foot 5-inch rise. This work includes the installation of the associated utilities, and a stormwater outfall structure.

4. To construct and maintain a 50-foot long, 12-foot span, and 3-foot rise, open bottom box culvert and associated wingwalls at Emma Court over a UNT to Culbertson Run (HQ-TSF-MF) impacting 116 linear feet of stream. This work includes the installation of the associated utilities.

5. To construct and maintain two 6-foot wide pedestrian bridges across two UNTs to Culbertson Run (HQ-TSF-MF) impacting 0.03 acre of wetlands (PEM) associated with the proposed trail.

6. To construct an 8-inch sanitary sewer line and water line across Culbertson Run, impacting 0.03 acres of wetlands (PEM).

7. To construct a 12-inch water line across 0.02 acre of wetlands (PEM).

8. To construct two 6-inch sanitary sewer force mains across an UNT to Culbertson Run (HQ-TSF-MF) impacting 0.02 acre of adjacent wetlands (PEM).

9. To construct and maintain various temporary cofferdams associated with the above activities.

The project proposes to directly impact a total of approximately 500 linear feet of watercourse, and 0.57 acre of wetlands. The construction of a total of 1.95 acres of wetland replacement from proposed mitigation areas Nos. 1—3 will compensate for the permanent wetland impact. The site is located just northwest of the intersection of Special School and Little Washington Roads, (Wagontown, PA, USGS Quadrangle N: 10.3 inches; W: 2.8 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

E36-794: BGT Realty Limited Partnership, P. O. Box 476, Ephrata, PA 17522-0476 in Ephrata Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a grass-lined swale outfall from a stormwater basin and new roadway within the 100-year floodway of Indian Run (TSF). The roadway extension will be for Dutchland Avenue and it will connect Trout Run Road and SR 272 (Ephrata, PA Quadrangle N: 12.3 inches; W: 7.3 inches) in Ephrata Township, Lancaster County.

E31-202: Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

To fill-in 0.17 acre of wetland, the floodway and floodplain of, and provide 600-foot long rock riprap protection at the right bank of Blacklog Creek (CWF) and associated improvements in order to improve the roadway condition SR 0522, Section 5BN located about 800 feet southeast Orbisonia Borough (Orbisonia, PA Quadrangle N: 20.35 inches; W: 1.9 inches and N: 19.5 inches; W: 0.5 inch) in Cromwell Township, **Huntingdon County**. The wetland impact will be mitigated in Aughwick Creek Advance Wetland Replacement site.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

E43-319: Department of Transportation, District 1-0, 255 Elm Street, P. O. Box 398, Oil City, PA 16301-1412. SR 4006, Section B00, Segment 0040, Offset 0000 Porter Road over the Shenango River and tributary, in West Salem Township, **Mercer County**, ACOE Pittsburgh District (Greenville West, PA Quadrangle N: 8.5 inches; W: 3.3 inches).

To remove the existing structure and to construct and maintain a prestressed concrete I-beam bridge having a clear, normal span of 130 feet and a minimum underclear-

ance of 5.3 feet across the Shenango River and impact to a de minimus area of wetland consist of 0.015 acre of permanent impacts to PEM/PFO and 0.03 temporary impacts to PFO wetlands on SR 4006, Section B00, Porter Road approximately 0.6 mile west of SR 58 near Greenville.

E37-158: Neshannock Township, 3131 Mercer Road, New Castle, PA 16105. Millennium Sewer Project, in Union and Neshannock Townships, **Lawrence County**, ACOE Pittsburgh District.

To construct and maintain the Millennium Sewer Project consisting of five main contracts crossing a total of 21 watercourses, including the Shenango River and across a total of 13 wetland areas for a total temporary impact of 2.37 acres.

1. Contracts 1 and 2 include the construction of the proposed Millennium Pump Station within the 100-year flood plain of the Shenango River.

2. Contract 3 begins at the north side of SR 4002 (Sampson Street) where it connects to the existing West Bank Sewer Project and extends north across the Shenango River and adjoining wetlands then northwest following an existing abandoned railroad right of way to just west of SR 60 south of SR 4004 (Pulaski Road) approximately 2.5 miles. Three wetland crossings and four crossings of tributaries to Shenango River will also occur.

3. Contract 4 continues northwest and then north along the abandoned railroad right of way approximately 2 miles and then turns east approximately 0.3 mile to where it will cross SR 60 approximately 1 mile south of Mitchell Road. This section includes replacement of an existing 24-inch diameter culvert with two 18-inch diameter culverts in a tributary to Shenango River on the existing railroad right of way approximately 1,575 feet north of Kings Chapel Road. The sewer line also crosses another tributary to Shenango River under the existing 60-inch diameter pipe approximately 4,975 feet north of Kings Chapel Road. This section also includes five wetland crossings and six stream crossings.

Contract 5 continues southeast from SR 60 along and crossing a tributary to Shenango River in multiple places crossing New Castle-Pulaski Road and continues southeast along and across the tributary before turning northeast and crossing Chapin Road, through the New Castle Country Club to the existing Valhalla Pump Station south of Valhalla Drive approximately 800 feet east of Clover Lane. This section includes four wetland crossings and 10 stream crossings associated with the tributary to Shenango River.

Northeast Region: Bureau of Abandoned Mine Reclamation, Wilkes-Barre District Office, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18711-0790, (570) 826-2371.

EA4011-001: Bureau of Abandoned Mine Reclamation, Wilkes-Barre District Office. Hollars Hill Project in Hazle Township, **Luzerne County**, ACOE Baltimore District, Conyngham PA Quadrangle N: 13.25 inches; W: 3.3 inches and N: 13.75 inches; W: 2.25 inches.

To perform the following water obstruction and encroachment activities associated with abandoned mine reclamation.

To place fill in 0.04 acre of wetlands for the purpose of regrading the area of abandoned mines to near natural original conditions. This area is comprised of two separate wetlands, which because of their combined size, would

qualify for a Category 2 exclusion under Chapter 105.12(a)(16) for restoration activities on abandoned mine sites.

EA4011-002: Bureau of Abandoned Mine Reclamation, Wilkes-Barre District Office. West Suscon Project in Jenkins Township, **Luzerne County**, ACOE Baltimore District, Pittston PA Quadrangle N: 8.40 inches; W: 0.10 inch and N: 9.50 inches; W: 1.00 inch; Avoca PA Quadrangle N: 8.10 inches; W: 16.50 inches and N: 9.00 inches; W: 16.50 inches.

To perform the following water obstruction and encroachment activities associated with abandoned mine reclamation.

To place fill in 0.01 acre of wetlands for the purpose of regrading the area of abandoned mines to near natural original conditions. This area is comprised of three separate wetlands, which because of their combined size, would qualify for a Category 2 exclusion under Chapter 105.12(a)(16) for restoration activities on abandoned mine sites.

[Pa.B. Doc. No. 05-1051. Filed for public inspection May 27, 2005, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website: www.dep.state.pa.us (DEP Keyword: Participate). The "Current Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2005.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Final Technical Guidance—Substantive Revision

DEP ID: 562-4100-311. Title: Explosives Program Compliance and Enforcement Procedures. Description: This document describes the methods the Department will use for identifying, tracing and resolving violations related to blasting operations and explosive storage sites. A notice of availability of the draft version of this document was published at 34 Pa.B. 4202 (August 7, 2004). Provision for a 30-day public comment period was provided for the

draft document, which concluded on September 6, 2004. No comments were received on the proposed document. Contact: Richard Lamkie, (717) 787-5103, rlamkie@state.pa.us. Effective Date: May 28, 2005.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-1052. Filed for public inspection May 27, 2005, 9:00 a.m.]

Storage Tank Advisory Committee Meeting Cancellation

The June 7, 2005, meeting of the Storage Tank Advisory Committee has been cancelled. The next meeting is scheduled for September 13, 2005, at 10 a.m. in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning these meetings should be directed to Charles Swokel, (717) 772-5806, cswokel@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the Department of Environmental Protection (Department) at (717) 772-5551 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-1053. Filed for public inspection May 27, 2005, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Availability of the Low-Income Home Energy Assistance Program Proposed State Plan and Public Hearing Schedule

The Department of Public Welfare (Department) is making available for public review and comment the Fiscal Year (FY) 2005-06 Low-Income Home Energy Assistance Program (LIHEAP) proposed State Plan. Comments on this notice and testimony received at public hearings will be used to formulate the Department's final State Plan for using Federal funds in the FY 2005-06 LIHEAP.

The Department has sent advance copies of the proposed State Plan to the LIHEAP Advisory Committee. In addition, copies have been sent to fuel associations, legal service agencies and area agencies on aging for distribution to their members or constituents. Other persons who want copies can obtain them after June 20, 2005, by contacting a local county assistance office or by calling Karen Kirk at (717) 772-7906.

The Department will hold three public hearings throughout this Commonwealth to allow testimony on the proposed State Plan and fulfill the Federal mandate for public input into the planning process. This mandate appears in Title XXVI (The Low-Income Home Energy Assistance Act of 1981) of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. No. 97-35, 42 U.S.C.A. §§ 8621-8629) as amended by the Human Services

Reauthorization Act of 1984 (Pub. L. No. 98-558), the Human Services Reauthorization Act of 1986 (Pub. L. No. 99-425), the Augustus F. Hawkins Human Services Reauthorization Act of 1990 (Pub. L. No. 101-501), the National Institutes of Health Revitalization Act of 1993 (Pub. L. No. 103-43), the Low-Income Home Energy Assistance Amendments of 1994 (Pub. L. No. 103-252) and the Coats Human Services Reauthorization Act of 1998 (Pub. L. No. 105-285).

Public Hearing Schedule

July 7, 2005
10 a.m.—12 p.m.
Allegheny County Courthouse
Gold Room, 4th Floor
436 Grant Street
Pittsburgh, PA

July 12, 2005
10 a.m.—1 p.m.
Philadelphia County Assistance Office
LIHEAP Conference Room, 2nd Floor
4601 Market Street
Philadelphia, PA

July 15, 2005
10 a.m.—12 p.m.
Health and Welfare Building
Room 812, 8th Floor
Forster Street
Harrisburg, PA

This notice shall take effect upon publication in the *Pennsylvania Bulletin*.

Public Comment

Persons who wish to testify on the proposed State Plan at a public hearing should arrange a time by telephoning (717) 772-7906 before July 5, 2005. Persons from outside the Harrisburg area should call (800) 692-7462 or send a written request, including telephone number, to Karen Kirk, Federal Programs and Program Management, Room 224, Willow Oak Building No. 42, DPW Complex 2, P. O. Box 2675, Harrisburg, PA 17105.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Services at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

[Pa.B. Doc. No. 05-1054. Filed for public inspection May 27, 2005, 9:00 a.m.]

Proposed State Grant Application for the Individuals with Disabilities Education Act Amendments, Part C

The Department of Public Welfare (Department) is inviting review and comment regarding the proposed State grant application for Fiscal Year (FY) 2005 in accordance with Part C of the Individuals with Disabilities Education Act of 2004 (Pub. L. No. 108-446) (IDEA). The Commonwealth is required to submit a grant application each year to receive Federal funds available under the IDEA amendments. The Commonwealth's application represents its description of early intervention services for eligible infants and toddlers birth to 3 years of age and their families which includes State policies, procedures, methods and descriptions and the required assur-

ances and provisions required by Part C of the IDEA. For the FY 2005 grant submission, the Commonwealth has not made any changes to State policies, procedures, methods or descriptions.

Public Comment

Interested persons are invited to review and submit written comments regarding the application to Kim Koteles, Program Specialist, P. O. Box 2675, Room 512, Health and Welfare Building, Harrisburg, PA 17105-2675, kkoteles@state.pa.us.

Persons who would like to review the proposed application can access it at www.pattan.k12.pa.us (Select: Proposed Part C Application) or by contacting Caryl Legat at (717) 783-5754 to receive a copy of the application.

The application will be available for 60 days following the publication of this notice in the *Pennsylvania Bulletin*. Comments will be accepted for 30 days following publication of this notice in the *Pennsylvania Bulletin*.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

[Pa.B. Doc. No. 05-1055. Filed for public inspection May 27, 2005, 9:00 a.m.]

Recognition of Allowable Costs Incurred by County Nursing Facilities as Medical Assistance Program Expenditures

This notice announces that the Department of Public Welfare (Department) intends to amend the Commonwealth's Title XIX State Plan provisions to change the method by which costs incurred by county nursing facilities are recognized as Medical Assistance (MA) Program expenditures.

Currently the Department determines the MA allowable costs and MA payment rates of county nursing facilities in accordance with conditions and limitations specified in 55 Pa. Code Chapter 1187 (relating to nursing facility services) and the Commonwealth's approved State Plan. The Department receives Federal matching funds to cover a portion of the MA payments made to county nursing facilities. If a county nursing facility incurs costs that exceed its MA payments, the "excess" costs are not recognized or reimbursed as allowable costs under the Department's current payment methods and standards. As a result, the costs are not MA Program expenditures that qualify for Federal matching funds.

Effective July 1, 2005, the Department intends to change its payment methods and standards to recognize the "excess" costs that are incurred by county nursing facilities to provide nursing facility services to MA eligible residents as MA Program expenditures so long as: (i) the costs would be allowable under Department regulations but for the application of conditions and limitations in the Department's rate-setting methodology; and (ii) the costs are reported and certified by the county nursing facilities in a form and manner specified by the Department.

If approved, the State Plan Amendment will effectively allow the Department to recognize allowable MA costs incurred by county nursing facilities as MA Program expenditures. This change will enable the Commonwealth to draw down additional Federal matching funds on

county costs that are now considered unallowable solely because of the operation of the Department's rate-setting methodology. The State Plan Amendment, however, will not affect the payment rates calculated for and paid to county nursing facilities. If the State Plan Amendment is approved, the Department will continue to make payments to county nursing facilities for services provided on or after July 1, 2005, based upon rates determined in accordance with section 443.1 of the Public Welfare Code (62 P. S. § 443.1) and the Department's case-mix regulations in 55 Pa. Code Chapter 1187. The counties will remain responsible for the allowable costs incurred in excess of those payments. In addition, the county nursing facilities' MA cost reports will continue to be audited.

This change in the Department's methods and standards is subject to the enactment of amendments to sections 443.1 and 472 of the Public Welfare Code (62 P. S. §§ 443.1 and 472) to authorize the recognition of these additional county nursing facility costs as allowable MA Program expenditures and to fix the Commonwealth's and counties' obligation for these additional costs.

Fiscal Impact

The amount of county expenditures exceeding the reimbursement limitations of the Department, which are incurred by county nursing facilities to provide nursing facility services to MA eligible residents, is estimated at \$25.431 million for Fiscal Year 2005-2006. These expenditures are expected to be matched by \$14 million in Federal funds upon approval of the Department's State Plan Amendment.

Public Comment

Interested persons are invited to submit written comments regarding this notice to Gail Weidman, Chief, Program Analysis and Review Section, Department of Public Welfare, Division of Long-Term Care Client Services, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-424. No fiscal impact; (8) recommends adoption. Claiming Federal match on the certified public expenditures for MA eligible costs in public nursing facilities is estimated to result in an annual General Fund savings of \$14 million.

[Pa.B. Doc. No. 05-1056. Filed for public inspection May 27, 2005, 9:00 a.m.]

FISH AND BOAT COMMISSION

Time Restriction on the Oakland, Great Bend and Hallstead Access Areas; Susquehanna River, Susquehanna County

The Executive Director of the Fish and Boat Commission (Commission), acting under 58 Pa. Code § 53.4(a) (relating to limiting access to Commission property and

other restrictions), has closed the Oakland, Great Bend and Hallstead Access Areas on the Susquehanna River, Susquehanna County, to the public during the hours of 10 p.m. to 5 a.m. This restriction is effective when posted at the site. It is unlawful for any person to enter or remain upon Commission property during the times it is closed to public use without the express written consent of the Executive Director or a designee.

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

[Pa.B. Doc. No. 05-1057. Filed for public inspection May 27, 2005, 9:00 a.m.]

Triploid Grass Carp Permit Application

Under 58 Pa. Code § 71.7 (relating to triploid grass carp), the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Common-

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>
Wildwood Park Outing Club, Inc.	Wildwood Lake	Lake Township Wayne County

wealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined consistent with 58 Pa. Code § 71.7(e)(3) to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at www.state.pa.us/Fish/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The following application to stock triploid grass carp in waters having a surface area of greater than 5 acres is currently undergoing staff review:

<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
92-acre lake that discharges to Roamingwood Lake and then into Ariel Creek. A 1 1/2" by 1 1/2" chain link fence downstream of the outlet serves as a fish barrier.	Elodea, lowly watermilfoil, bladderwort, coontail, naiad

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

[Pa.B. Doc. No. 05-1058. Filed for public inspection May 27, 2005, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Health Care Cost Containment Council and the Jewish Healthcare Foundation Grant Opportunity

The Health Care Cost Containment Council (Council), an independent Commonwealth government agency, and the Jewish Healthcare Foundation (JHF), a private foundation, are accepting grant applications for demonstration projects designed to reduce the number and cost of hospital-acquired infections. The Council and JHF will accept and evaluate applications for projects designed to reduce the number and cost of hospital-acquired infections, such as surgical site infection, Foley catheter associated urinary tract infection, central line associated bloodstream infection and ventilator associated pneumonia.

This funding opportunity is available to acute care hospitals in this Commonwealth interested in developing a team of medical and administrative professionals dedicated to the implementation, evaluation and improvement of current protocols associated with the prevention of hospital-acquired infections. The project must be designed to demonstrate the business case for eliminating hospital-acquired infection. A copy of the Request for Application (RFA) can be downloaded from the Council's website: www.phc4.org. Questions regarding this RFA should be

addressed to Cherie Elias, Director of Administration, (717) 232-6787, celias@phc4.org.

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 05-1059. Filed for public inspection May 27, 2005, 9:00 a.m.]

HOUSING FINANCE AGENCY

2006 Low Income Housing Tax Credit Program Public Hearing

The Housing Finance Agency (Agency), as the administrator of the Federal Low Income Housing Tax Credit Program for the Commonwealth, provides notice of a public hearing to obtain public comment on the proposed 2006 Low Income Housing Tax Credit Allocation Plan (Allocation Plan). This public hearing will be held at 9 a.m. on Friday, June 3, 2005, at the Housing Finance Agency, 211 North Front Street, Harrisburg, PA. Copies of the proposed Allocation Plan are available by contacting the Manager, Tax Credit Program, Housing Finance Agency, P. O. Box 8029, Harrisburg, PA 17105-8029, (717) 780-3948, (717) 780-1869 (TTY) for hearing impaired. Copies of the Allocation Plan are also available on the Agency's website at www.phfa.org.

Written comments must be submitted prior to the date of the scheduled hearing or at the public hearing. Persons who plan to attend the public hearing should contact the Agency at (717) 780-3948. Individuals wishing to comment on the Allocation Plan who are unable to attend the scheduled hearing are invited to provide written comments to the previous address by May 31, 2005.

Persons with a disability who wish to attend this public hearing and require an auxiliary aid, service or other accommodation to participate should contact the Secretary at (717) 780-3990 by Wednesday, June 1, 2005, to discuss how the Agency may best accommodate their needs.

BRIAN A. HUDSON,
Executive Director

[Pa.B. Doc. No. 05-1060. Filed for public inspection May 27, 2005, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 11 a.m., Thursday, May 12, 2005, and announced the following:

Regulations Approved

Department of Transportation #18-395: Ignition Interlock (amends 67 Pa. Code Chapter 88)

Department of Public Welfare #14-489: Subsidized Child Care Eligibility (deletes 55 Pa. Code Chapter 3040 and adds 55 Pa. Code Chapter 3041)

Environmental Quality Board #7-394: Storage, Handling and Use of Explosives (amends 25 Pa. Code §§ 211.101, 211.111, 211.113 and 211.115)

Approval Order

Public Meeting held
May 12, 2005

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*Department of Transportation—Ignition Interlock;
Regulation No. 18-395*

On August 24, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Transportation (Department). This rulemaking amends 67 Pa. Code Chapter 88. The proposed regulation was published in the September 4, 2004 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 12, 2005.

This regulation implements the ignition interlock requirements contained in Act 24 of 2003. The regulation codifies the Department's existing policy statement on the installation of ignition interlock systems on vehicles owned by or registered to certain individuals who have been convicted of driving under the influence of alcohol or a controlled substance.

We have determined this regulation is consistent with the statutory authority of the Department (75 Pa.C.S. §§ 3805 and 6103) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
May 12, 2005

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*Department of Public Welfare—Subsidized Child Care
Eligibility; Regulation No. 14-489*

On August 31, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Public Welfare (Department). This rulemaking deletes Chapter 3040 from 55 Pa. Code and adds Chapter 3041. The proposed regulation was published in the September 11, 2004 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 7, 2005.

This regulation amends the eligibility requirements for families seeking subsidized child care benefits.

We have determined this regulation is consistent with the statutory authority of the Department (62 P.S. §§ 701—703) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
May 12, 2005

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson, dissenting; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*Environmental Quality Board—Storage, Handling and
Use of Explosives; Regulation No. 7-394*

On February 8, 2005, the Independent Regulatory Review Commission (Commission) received this regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code §§ 211.101, 211.111, 211.113 and 211.115. Notice of proposed rulemaking was omitted for this regulation. At its March 10, 2005 public meeting, the Commission voted to disapprove the regulation. On April 22, 2005, the Board submitted its report containing the revised regulation to the Commission.

This regulation amends the procedures, requirements and standards for explosive storage facilities to deter the theft of explosives. It is being promulgated as a result of the combined efforts of the Department of Environmental Protection, Pennsylvania State Police and Governor's Office of Homeland Security.

We have determined this revised regulation is consistent with the statutory authority of the Board (73 P.S.

§ 161 and 71 P.S. § 751-35) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is now in the public interest.

By Order of the Commission:

This regulation is approved.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 05-1061. Filed for public inspection May 27, 2005, 9:00 a.m.]

INSURANCE DEPARTMENT

Proposed Acquisition of ACE American Reinsurance Company by Randall & Quilter Investment Holdings Limited; Notice of Public Informational Hearing

The Insurance Department (Department) will hold a public informational hearing regarding the proposed acquisition of ACE American Reinsurance Company (AARE), a Pennsylvania domestic stock casualty insurance company, by Randall & Quilter Investment Holdings Limited (Randall & Quilter), a United Kingdom-based limited liability corporation. Randall & Quilter has requested approval to acquire control of all of the authorized capital stock of AARE in accordance with the terms of a Stock Purchase Agreement as filed with the Department (Form A Filing). The Form A Filing was submitted for approval under the Insurance Holding Companies Act (act) (40 P.S. §§ 991.1401—991.1413). Policyholders and interested persons are invited to attend and participate in the hearing. Individuals may attend the hearing without any obligation to speak at the hearing.

1. *Date and Time:* July 12, 2005, at 9 a.m.
2. *Location:* Hilton Harrisburg
One North Second Street
Harrisburg, PA 17101-1601

3. *Nature of Hearing:* The public informational hearing will provide an opportunity for policyholders and interested persons to present comments relevant to the Form A Filing. The proceeding will be recorded and a transcript may be purchased directly from the court reporter.

4. *Legal Authority:* The public informational hearing will be held under the provisions of the act.

5. *ADA Notice:* Individuals with a disability who require the assistance of auxiliary aids or services to participate in or attend this public informational hearing should call the Director of the Bureau of Administration at (717) 787-4298. Individuals who are hearing impaired should call the Department's TTY/TDD telephone number (717) 783-3898.

6. *Written Comments:* Individuals who are unable to attend the public informational hearing or who would prefer to submit written comments instead of speaking at the hearing concerning the Form A Filing may do so by mailing or delivering a copy of the comment to Robert E. Brackbill, Jr., Chief, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us. All

comments received will be part of the public record regarding this filing.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1062. Filed for public inspection May 27, 2005, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

Philadelphia County, Wine & Spirits Shoppe #5108, 3250 North Broad Street, Philadelphia, PA 19140-5008.

Lease Expiration Date: June 30, 2014

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,700 net useable square feet of new or existing retail commercial space within a 1/4-mile radius of the intersection of Vare Avenue and 24th Street, Philadelphia.

Proposals due: June 17, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: Robert Jolly, (215) 482-9671

JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 05-1063. Filed for public inspection May 27, 2005, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by June 20, 2005. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for amendment to the certificate of public convenience approval of the right and privilege to *discontinue/abandon* operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under each application.

A-00068088, Folder 1, Am-A. Mary Lanich, George Lanich and Paul Lanich t/a Lanich Bus Lines (P. O.

Box 57, Rt. 286 West, Kent, Indiana County, PA 15752-0057)—discontinuance of service and cancellation of their certificate, as a common carrier, by motor vehicle, at A-00068088, authorizing the transportation of persons on schedule: (1) between the Villages of McIntyre and Coal Run and the Borough of Indiana, Indiana County, over the following route: beginning at the Villages of McIntyre and Coal Run, thence via township road to its intersection with Highway Route 80 to the Borough of Indiana; and (2) between the Villages of McIntyre and Waterman, Indiana County, over the following route: beginning in the Village of McIntyre, Indiana County, thence over Highway Route 438 to its intersection with Highway Route 80, thence over Highway Route 80 to its intersection with Highway Route 56, thence over Highway Route 56 through the Borough of Homer City, Indiana County, to the Village of Waterman, Indiana County, subject to the following condition: that no right, power or privilege is granted to transport passengers locally on any trip or trips in either direction between the Village of Waterman and Homer City.

A-00068088, Folder 3, Am-B. Mary Lanich, George Lanich and Paul Lanich t/a Lanich Bus Lines (P. O. Box 57, Rt. 286 West, Kent, Indiana County, PA 15752-0057)—discontinuance of service and cancellation of their certificate, as a common carrier, by motor vehicle, at A-00068088, F. 3, authorizing the transportation of persons on schedule between the Village of Riders Ridge and the Borough of Jacksonville, Indiana County, over the following route: beginning at the Village of Elders Ridge, Young Township, thence via State Highway Traffic Route 844 through the Village of Iselin, Young Township, to the intersection of State Highway Traffic Route 80, thence on State Highway Traffic Route 80 to the Village of Clarksburg, Conemaugh Township, thence on State Highway Traffic Route 80 to the Borough of Jacksonville (Kent Post Office), all in Indiana County, and returning over the same route; with the right to render shuttle service between points on the aforesaid route and through service between points on the aforesaid route and points on the certificate holder's existing routes, and at A-00068088, F. 3, Am-A, authorizing the transportation of persons on schedule between the Borough of Saltsburg and the Village of Clarksburg, Conemaugh Township, all in Indiana County over the following route: beginning in the Borough of Saltsburg, thence over Pennsylvania Highway Route 286 to the Village of Clarksburg, and return over the same route; with the right to render shuttle service between points on the aforesaid route and to render through service between points on the aforesaid route and points on applicant's existing routes; subject to the following condition: that the previously stated right is restricted to service provided under a purchase of service agreement with the Indiana County Transit Authority.

A-00068088, Folder 4, Am-A. Mary Lanich, George Lanich and Paul Lanich t/a Lanich Bus Lines (P. O. Box 57, Rt. 286 West, Kent, Indiana County, PA 15752-0057)—discontinuance of service and cancellation of their certificate, as a common carrier, by motor vehicle, at A-00068088, F. 4, authorizing the transportation of persons on schedule: (1) in the Borough of Blairsville and the Township of Burrell, Indiana County, over the following route: beginning at the intersection of Highway Route 32004 and Township Road 582 in the Township of Burrell, Indiana County, thence on Highway Routes 32004 and 680 to Ranson Avenue in the Borough of Blairsville, thence on Ranson Avenue to Walnut Street, thence on Walnut Street to Chestnut Street, thence on Chestnut Street to Hedge Street, thence on Hedge Street to Maple

Street, thence on Maple Street to Walnut Street, thence on Walnut Street to Market Street (Highway Route 22), thence on Market Street to Brady Street, thence on Brady Street to Maple Avenue Extension, thence on Maple Avenue Extension and Hill Street to Highway Route 582, thence on Highway Route 582 through the Villages of Enterprise and Socialville to its intersection with Highway Route 32006, thence on Highway Route 32006 crossing Highway Route 22 and continuing through the Village of Strangford to its intersection with Highway Route 22, thence on Highway Route 22 to its intersection with Highway Route 32006, and returning over the same route; with the right to render shuttle service between points on the aforesaid route. Alternate Routes: beginning at the intersection of Maple and Walnut Streets in the Borough of Blairsville, thence on Walnut Street to West Burrell Street, thence on West Burrell Street to State Highway Traffic Route 680, as relocated, thence on State Highway Traffic Route 680 to its intersection with State Highway Traffic Route 680, as originally located, and returning over the same route to the place of beginning, all in Indiana County; with the right to render shuttle service between points on the aforesaid alternate routes; and (2) between the Borough of Blairsville, Indiana County, and the Village of Torrance, Westmoreland County, over the following route: beginning at a point on Market Street, 100 feet east of East Lane Street in the Borough of Blairsville, Indiana County, thence on Market Street and Walnut Street to the borough line, thence on relocated Highway Route 680 to its intersection with Highway Route 64059 (extended) in Westmoreland County, thence on Highway Route 64059 to the Village of Torrance, and returning over the same route; with the right to render shuttle service between points on said route and through service between points on the said route and points on the base route previously described. Alternate Route: beginning at the intersection of Main Street and South Walnut Street, thence on Main Street to Liberty Street, thence on Liberty Street to Third Avenue, thence on Third Avenue to Spring Street, thence on Spring Street to Blank Street, thence on Blank Street to Walnut Street, thence returning over the same route to the place of beginning, all in the Borough of Blairsville, Indiana County; with the right to render shuttle service between points on the aforesaid alternate route; the route and alternate route immediately aforementioned subject to the following condition: that no right, power or privilege is hereby granted to transport persons locally between applicant's terminus in the Borough of Blairsville and a point on Highway Route 64059 situated 1/4 mile east of its intersection with Highway Route 680.

A-00068088, Folder 6, Am-A. Mary Lanich, George Lanich and Paul Lanich t/a Lanich Bus Lines (P. O. Box 57, Rt. 286 West, Kent, Indiana County, PA 15752-0057)—discontinuance of service and cancellation of their certificate, as a common carrier, by motor vehicle, at A-00068088, F. 6, authorizing the transportation of persons in paratransit operations, between points in the Borough of Indiana and the Township of White, Indiana County, and from points in said area to other points in Indiana County, and return.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1064. Filed for public inspection May 27, 2005, 9:00 a.m.]

Water Service

A-210104F0061 and A-211035F2000. Aqua Pennsylvania, Inc. and Garbush Water Company. Joint application of Aqua Pennsylvania, Inc. and Garbush Water Company for approval of: 1) the acquisition by Aqua Pennsylvania, Inc. of the water system assets of Garbush Water Company; 2) the right of Aqua Pennsylvania, Inc. to begin to offer, render, furnish or supply water service to the public in a portion of Jackson Township, Luzerne County; and 3) the right of Garbush Water Company to abandon public water service to the public within Jackson Township, Luzerne County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before June 13, 2005. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Aqua Pennsylvania, Inc. and Garbush Water Company

Through and By Counsel: Frances P. Orth, Esquire, 762 West Lancaster Avenue, Bryn Mawr, PA 19010

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1065. Filed for public inspection May 27, 2005, 9:00 a.m.]

Water Service

A-212285F0124. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply water service to the public in portions of Lehman Township, Pike County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before June 13, 2005. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Pennsylvania-American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1066. Filed for public inspection May 27, 2005, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept faxed bids for Project #05-049.P, Asphalt Requirements, until 2 p.m. on Thursday, June 9, 2005. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available May 31, 2005. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 05-1067. Filed for public inspection May 27, 2005, 9:00 a.m.]

STATE BOARD OF BARBER EXAMINERS

In the Matter of Aaron L. Camp; Doc. No. 0331-42-05

On March 8, 2005, Aaron L. Camp, license no. BL-049477L, of Pittsburgh, Allegheny County, was suspended under the Order of the Court of Common Pleas of Allegheny County dated January 10, 2005, which the court issued under section 4355 of the Domestic Relations Code. The suspension is effective immediately.

Individuals may obtain a copy of the final order by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the final State Board of Barber Examiners (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

LEROY D. CAMERONI,
Chairperson

[Pa.B. Doc. No. 05-1068. Filed for public inspection May 27, 2005, 9:00 a.m.]

STATE BOARD OF NURSING

In the Matter of the Automatic Suspension of the License to Practice Practical Nursing of Rachel Comis, L.P.N.; Doc. No. 0194-51-05

On February 8, 2005, Rachel Comis, of Verona, Allegheny County, was automatically suspended, by the State

Board of Nursing (Board) based on being convicted of a felony under the Drug Act while practicing practical nursing.

Individuals may obtain a copy of the adjudication by writing to Carole L. Clarke, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represent the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

JANET HUNTER SHIELDS, MSN, CRNP, CS,
Chairperson

[Pa.B. Doc. No. 05-1069. Filed for public inspection May 27, 2005, 9:00 a.m.]

STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

In the Matter of Maurice L. Allen, Sr.; Doc. No. 0518-60-05

On April 15, 2005, Maurice L. Allen, Sr., license no. MV-114741-L, of Philadelphia, Philadelphia County, was suspended under the Order of the Court of Common Pleas of Philadelphia County dated April 1, 2005, which the court issued under section 4355 of the Domestic Relations Code. The suspension is effective immediately.

Individuals may obtain a copy of the final order by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the final State Board of Vehicle Manufacturers, Dealers and Salespersons (Board)

decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

EDWIN K. GALBREATH, Jr.,
Chairperson

[Pa.B. Doc. No. 05-1070. Filed for public inspection May 27, 2005, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearing Scheduled

A hearing has been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimant's request concerning the indicated account.

The hearing will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

June 15, 2005	Ronald E. Helman	1 p.m.
	(Change Effective Date of Disability Retirement)	

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

ERIC HENRY,
Secretary

[Pa.B. Doc. No. 05-1071. Filed for public inspection May 27, 2005, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

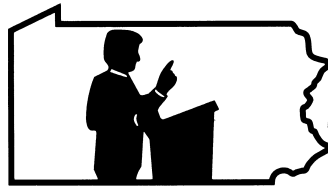
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
PA Department of Community and Economic Development
374 Forum Building
Harrisburg, PA 17120
800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)
Vendor Services Section
717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

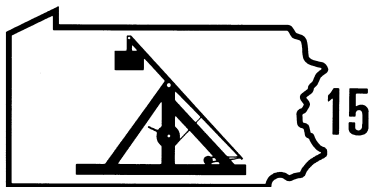
The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except for the cost of photocopying contracts (15 cents per page); postage; redaction, and certified copies. The bureau may assess reasonable fees for labor and other expenses necessary to comply with the request. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury
Room 201 Finance Building
Harrisburg, PA 17120
717-787-4586
1-800-252-4700
BizOutlet@patreasury.org

ROBERT P. CASEY, Jr.,
State Treasurer

SERVICES



Environmental Maintenance Service

BF 469-201.1 Abandoned Mine Land Reclamation Project, Robert F. Taylor, Mining Permit No. 03813074-03. The principal items of work and approximate quantities include Diversion and Care of Water, Clearing and Grubbing, 780,000 cubic yards of Grading, 6,165 cubic yards of Ditch Excavation, 2,560 square yards of High Velocity Erosion Control Mulch Blanket, 3,340 square yards of Erosion Control/Turf Reinforcement Mat, 3,800 square yards of R-4 Rock Lining with Geotextile Fabric, 800 tons of Roadway Surface Material, Telephone Line and Gas Line Relocation, 79 acres of Seeding and planting 1,116 Trees. This project issues on May 27, 2005 and bids will be opened on June 21, 2005 at 2:00 p.m. Bid documents cost \$10.00 per set and will not be mailed until payment has been received. Federal funds have been made available for this project from the \$24 million for Pennsylvania's 2004 AML Grant.

Department: Environmental Protection

Location: Wayne and Cowanshannock Townships, Armstrong County

Duration: 500 calendar days after the official starting date.

Contact: Construction Contracts Section, (717) 787-7820



Financial and Insurance Consulting

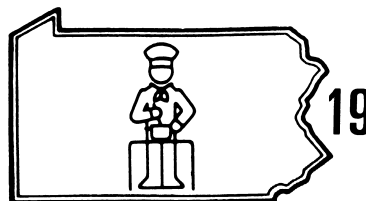
2005-02 Pennsylvania Health Care Cost Containment Council and the Jewish Healthcare Foundation Grant Opportunity. The Pennsylvania Health Care Cost Containment Council (PHC4; an independent Pennsylvania state government agency) and the Jewish Healthcare Foundation (JHF; a private foundation) are accepting grant applications for demonstration projects designed to reduce the number and cost of hospital-acquired infections. PHC4 and JHF will accept and evaluate applications for projects designed to reduce the number and cost of hospital-acquired infections such as surgical site infections, Foley catheter associated urinary tract infections, central line associated bloodstream infections, and ventilator associated pneumonia. This funding opportunity is available to Pennsylvania acute care hospitals interested in developing a team of medical and administrative professionals dedicated to the implementation, evaluation and improvement of current protocols associated with the prevention of hospital-acquired infections. The project must be designed to demonstrate the business case for eliminating hospital-acquired infection. A copy of the RFA can be downloaded from the PHC4 web site; www.phc4.org. Questions regarding this RFA should be addressed to Cherie Elias, Director of Administration at (717) 232-6787 or celias@phc4.org.

Department: PA Health Care Cost Containment Council

Location: 225 Market Street, Harrisburg, PA 17101

Duration: 1 Year

Contact: Cherie Elias, (717) 232-6787



Food

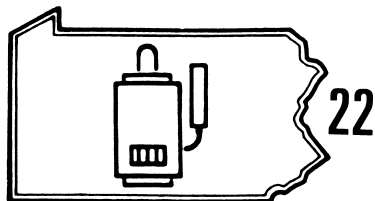
CN00014559 Bread and Bread Products.

Department: Public Welfare

Location: POLK CENTER, P. O. Box 94, Polk, PA 16342

Duration: July 1, 2005 through December 31, 2005

Contact: Marty DuPont, Purchasing Agent, (814) 432-0423



HVAC Services

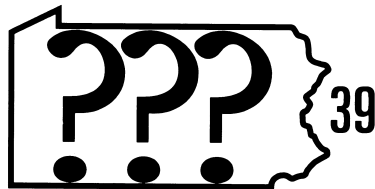
SP1345051004 Vendor to perform repairs as needed and "on-call" on various A.T.C. and H.V.A.C. systems located at Southeastern Veterans' Center in Spring City, PA.

Department: Military Affairs

Location: Southeastern Veterans' Center, One Veterans' Drive, Spring City, PA 19475

Duration: July 1, 2005 through June 30, 2006

Contact: Patricia M. Urban, P.A. I, (610) 948-2448



Miscellaneous

04-146-3010 The Pennsylvania Turnpike Commission will consider entering into a long-term, unsubordinated ground lease of 4.75 +/- acres in Hempfield Township, Westmoreland County, Pennsylvania. The site is located at the northeast quadrant of PA Turnpike Route 66 and US Route 30. A mandatory pre-proposal conference will be held Wednesday, June 1, 2005 at 11:00 A.M. at the Commission's Western Regional Office, 2200 North Center Avenue, New Stanton, PA 15672. Proposals are due by 12:00 Noon, Wednesday, July 13, 2005. This RFP can be viewed on the PTC web site at www.paturnpike.com.

Department: Turnpike Commission

Location: 700 South Eisenhower Blvd., Middletown, PA

Duration: Long-Term lease

Contact: Jayne Garver, (717) 939-9551 ext 6740

[Pa.B. Doc. No. 05-1072. Filed for public inspection May 27, 2005, 9:00 a.m.]



Medical Services

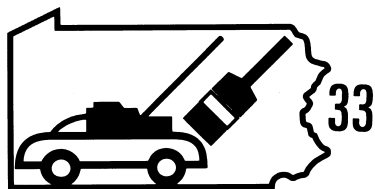
SP1345051005 Vendor shall supply the following products on an "as-needed" basis to resident veterans of SEVC. All maintenance and in-service related to the appropriate handling and functioning of equipment will be included in the cost of the rental as quoted. 1. Specialty mattresses (including low air-loss or continuous air-flow system mattresses, or equivalent.) 2. Specialty beds (including flexicare eclipse bed, "bariatric" resident low bed, or equivalent for aggressive pressure relief and healing of full thickness pressure ulcers or morbidly obese residents.) Contract will be bid on a daily rental basis with a detailed monthly rental invoice for services rendered. This contract will include a continual monitoring program for all mattresses and beds placed in the facility.

Department: Military Affairs

Location: Southeastern Veterans' Center, One Veterans' Drive, Spring City, PA 19475

Duration: Contract to run for a period of one (1) year with an option to renew up to four (4) times in one year

Contact: Patricia M. Urban, PAI, (610) 948-2448



Property Maintenance

W-0588-0412 Work shall include, but not limited to excavate and strip off asphalt and soil, as required; move miscellaneous underground utility lines; general construction to build a masonry and wood frame addition; and backfill at footers, foundation walls, and patch asphalt.

Department: Public Welfare

Location: Youth Forestry Camp #2, Hickory Run State Park, R.D.#1, Box 82, White Haven, PA

Duration: Unknown

Contact: Dee Kuhn, Purchasing, (717) 789-5509

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
|--|---|

DONALD T. CUNNINGHAM, Jr.
Secretary

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 437 AND 501]

Draft Temporary Regulations

The Pennsylvania Gaming Control Board (Board), under authority in 4 Pa.C.S. § 1202 (relating to general and specific powers), has drafted temporary regulations to facilitate the prompt implementation of 4 Pa.C.S. Part II (relating to gaming), enacted by the act of July 5, 2004 (P. L. 572, No. 71). Upon adoption of the regulations by the Board, the Board's temporary regulations will be added to Part VII (relating to Gaming Control Board). By publishing these temporary regulations in draft form, the Board seeks public comment prior to the adoption of the regulations.

Contact Person

Interested persons are invited to submit written comments, suggestions or objections to the draft temporary regulations to the Pennsylvania Gaming Control Board, Office of Communications, P. O. Box 69060, Harrisburg, PA 17106-9060, ATTN: Public Comment. The public comment period will end on Friday, June 17, 2005.

THOMAS A. DECKER,
Chairperson

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart B. LICENSING

CHAPTER 437. SLOT MACHINE LICENSES

Sec.	
437.1.	Definitions.
437.2.	Initial slot machine application deadlines.
437.3.	Slot machine license requirements.
437.4.	Slot machine license application.
437.5.	Financial fitness requirements.
437.6.	Character requirements.
437.7.	Procedure.
437.8.	Divestiture.
437.9.	Category 1 slot machine licenses.
437.10.	Responsibilities of licensed organizations.
437.11.	Alternative Category 1 licensing standards.
437.12.	Conditional Category 1 licenses.
437.13.	Application bond or letter of credit requirement.
437.14.	Slot machine license issuance bond requirement.
437.15.	Political subdivision comment.
437.16.	Public input.

§ 437.1. Definitions.

The following words and terms, when used in this subpart, have the following meanings, unless the context clearly indicates otherwise:

Applicant—A person who applies to the Board to receive a slot machine license as defined in this section.

Organization—A legal business entity that includes affiliates, subsidiaries, intermediaries and holding companies that are under common ownership and control.

Slot machine license—A Category 1 slot machine license under section 1302 of the act (relating to Category 1 slot machine license), a conditional Category 1 license under section 1315 of the act (relating to conditional Category 1 licenses), an alternative Category 1 license under section 1314 of the act (relating to alternative Category 1 licensing standards), a Category 2 slot machine license under section 1304 of the act (relating to Category 2 slot

machine license) and a Category 3 slot machine license under section 1305 of the act (relating to Category 3 slot machine license).

§ 437.2. Initial slot machine application deadlines.

(a) To enable the Board to consider all initial applications for every category of slot machine license together in a comprehensive Statewide manner, the Board will initiate the formal procedure for the acceptance, consideration and final resolution of all initial applications for slot machine licenses by setting a filing date for filing of all initial Category 1, 2 and 3 slot machine license applications. The filing date set by the Board shall be the same for all categories of slot machine licenses and will be published in the *Pennsylvania Bulletin* at least 1 month prior to the filing date.

(b) After all initial applications for slot machine licenses have been filed, the Board will set a second filing date by which all filed applications are to be deemed complete by the Board. An application that is not deemed complete by the Board by the filing date will not be considered. The filing date set by the Board shall be the same for all categories of slot machine licenses and shall be published in the *Pennsylvania Bulletin* at least 1 month prior to the filing date.

(c) Subsections (a) and (b) do not apply to conditional slot machine license applications filed under section 1315 of the act (relating to conditional Category 1 licenses).

§ 437.3. Slot machine license requirements.

(a) The Board will issue an order establishing a deadline for the filing of all initial Category 1, Category 2 and Category 3 slot machine license applications and a deadline by which all filed applications shall be deemed complete by the Board. The filing date shall be the same for all categories of slot machine licenses. The filing date will be published in the *Pennsylvania Bulletin* at least 1 month prior to the filing deadline. This subsection does not apply to a conditional Category 1 license under § 437.12 (relating to conditional Category 1 licenses).

(b) An applicant for or holder of a slot machine license shall have a continuing duty to do the following:

(1) Notify the Board within 30 days of a material change in the information, materials, documents or facts relating to the license application, license or renewal application.

(2) Provide information required by the Board or the Bureau relating to licensing.

(3) Cooperate with the Board and the Bureau in investigations, hearings, enforcement and disciplinary actions.

(4) Comply with all conditions, restrictions, requirements, orders and determinations made by the Board in accordance with the act.

(c) Failure to provide the information under this section and §§ 437.4—437.6 (relating to slot machine license application; financial fitness requirements; and character requirements), shall result in an application being deemed incomplete.

(d) A copy of the local impact report required under § 437.4(21) shall be provided to each political subdivision in which the licensed facility will be located at least 7 days prior to the filing of the application for a slot machine license. The applicant shall file a proof of service with the Board.

§ 437.4. Slot machine license application.

To be eligible for a slot machine license, an applicant shall submit an application which includes the following:

(1) An original and seven copies of the slot machine license application and Disclosure Information Form.

(2) The name, address, fingerprints, photograph, handwriting exemplar and criminal history background information for the applicant, its key employee qualifiers and key employees and their current or proposed position and responsibilities within the applicant's business structure.

(3) A license application for each key employee qualifier and key employee under Chapter 435 (relating to employees), including an original and one copy of the Multi-Jurisdictional Personal History Disclosure Form, the Pennsylvania Supplement and a nonrefundable background investigation deposit of \$5,000 under section 1208(1)(iii) of the act (relating to collection of fees and fines) for each key employee qualifier and each key employee. An additional charge may be assessed upon the applicant by the Board based on the actual expenses incurred to conduct the background investigation required by the act.

(4) An executed consent form for the Board and the Bureau to conduct background investigations for the applicant and each key employee qualifier and key employee and notarized releases necessary to obtain information from government agencies and other institutions.

(5) A diversity plan as set forth in section 1325(b) of the act (relating to license or permit issuance) and Chapter 481 (relating to general provisions), or an affidavit signed by the applicant's chief executive officer that a diversity plan will be submitted within 30 days of the submission of the application. The plan shall be signed by the chief executive officer of the applicant.

(6) The proposed location of slot machines at the facility.

(7) The number of slot machines requested, consistent with sections 1210 and 1305(c) of the act (relating to number of slot machines; and Category 3 slot machine license).

(8) If applicable, copies of all filings required by the Securities and Exchange Commission, including all annual and current reports filed with the United States Securities and Exchange Commission under section 13 or section 15D of the Securities Exchange Act of 1934 (15 U.S.C.A. §§ 78(m) and 78o-6) and all proxy statements issued by the applicant during the 2 immediately preceding fiscal years.

(9) Executed consent forms to allow inspections, searches and seizures and the examination of accounts and records.

(10) An executed waiver of liability for damages as required under § 421.1(e) (relating to general requirements).

(11) A sworn or affirmed statement by the applicant, its key employee qualifiers and its affiliates, subsidiaries, intermediaries and holding companies confirming that they do not hold a direct or indirect ownership interest in a supplier applicant or licensee and that they do not employ a key employee qualifier or key employee of a supplier applicant or licensee.

(12) A current tax clearance review from the Department.

(13) A current unemployment compensation tax clearance certificate and a workers' compensation tax clearance certificate from the Department of Labor and Industry.

(14) The details of any gaming, slot machine or casino license applied for by, or granted or denied to, the applicant or an affiliate, intermediary, subsidiary or holding company in any other jurisdiction and an executed consent for the Board to acquire copies of applications, licenses and related information from the other jurisdiction.

(15) The details of any existing, unpaid loans from a financial institution or other source, or any loans or financing arrangements to be entered into in connection with the applicant's proposed facility.

(16) Marketing plans and proposals.

(17) The location and description of the facility and a description of the proximity of the facility to its market service area.

(18) Architectural drawings, artist renderings, plans and other depictions of the facility to be licensed.

(19) The square footage of area that will be used for the placement of slot machines and the square footage of the areas that will not be used for the placement of slot machines.

(20) Planned retail and food venues for the facility and the identification of the operators of each venue.

(21) A local impact report, engineering reports and traffic studies, including details of any adverse impact on transportation, transit access, water and sewer systems or other municipal service or resource. Local impact reports and other studies and reports shall clearly indicate all information in the study or report that the applicant considers confidential.

(22) A description of proposed parking facilities and number of spaces.

(23) Land acquisition costs.

(24) A compulsive or problem gambling plan.

(25) If a temporary facility is to be licensed, a plan for how the licensee will transition to a permanent facility, including a date for the completion of the permanent facility.

(26) A sworn or affirmed statement that the applicant has developed and implemented internal safeguards and policies to prevent a violation of section 1513 of the act (relating to political influence).

(27) Except as provided in § 437.12(b)(12) (relating to conditional Category 1 licenses), a bond or letter of credit required under § 437.13 (relating to application bond or letter of credit requirement).

(28) The history and success of the applicant in developing tourism facilities ancillary to gaming development if applicable.

(29) The degree to which the applicant's proposal will likely lead to the creation of quality, living wage jobs and full-time permanent jobs for residents of this Commonwealth and residents of the host political subdivision. The projected number of new jobs to be created if the license is granted, to include the projected number of new employees at the licensed facility.

(30) The record of the applicant and its developer in meeting commitments to local agencies, community-based organizations and employees in other locations.

(31) The degree to which potential adverse effects related to the proposed facility, including costs of meeting

the increased demand for public health care, child care, public transportation, affordable housing and social services, will be mitigated.

(32) The record of the applicant and its developer regarding compliance with:

(i) Federal, State and local discrimination, wage and hour, disability and occupational and environmental health and safety laws.

(ii) State and local labor relations and employment laws.

(33) The applicant's record in dealing with its employees and their representatives at other locations.

(34) Other information required by the Board.

§ 437.5. Financial fitness requirements.

(a) An applicant for a slot machine license shall prove by clear and convincing evidence the financial stability and integrity of the applicant and its affiliates, intermediaries, subsidiaries and holding companies in accordance with section 1313 of the act (relating to slot machine license application financial fitness requirements).

(b) The Board will not approve a slot machine license application unless it has made an affirmative determination that the applicant has established it is likely to maintain a financially successful, viable and efficient business operation and will likely be able to maintain a steady level and growth of revenue to the Commonwealth.

(c) An applicant for a slot machine license shall provide the following to the Board:

(1) An executed authorization for the Board to examine all bank accounts and records as necessary.

(2) The organization, including a chart outlining the organizational structure, and the financial structure and nature of all businesses owned or operated by the applicant and its affiliates, intermediaries, subsidiaries or holding companies, including the name, employment history and criminal history record of each key employee qualifier and key employee of each business owned or operated by the applicant and its affiliates, intermediaries, subsidiaries or holding companies.

(3) If the applicant is a corporation, the extent to which securities are held by all key employee qualifiers and their remuneration from salary, wages, fees and other sources.

(4) Bank references.

(5) Business income, disbursement schedules, accounting, check records and ledgers for the applicant and key employee qualifiers as applicable.

(6) The applicant's and each key employee qualifier's State and Federal tax returns and other reports filed with government agencies for the past 5 years.

(7) A list and description of all existing and proposed financial backers, as well as adequate information to allow the Board to determine the integrity of the financial backers as provided under section 1313(b) of the act. The Board may waive the requirement that it determine the integrity of a financial backer for a banking or lending institution or an institutional investor.

(8) Demonstration of adequate financing for the proposed facility and terms of financing including payback period.

(9) Business and economic development plans and timetables.

(10) Projected debt service expenses.

(11) Projected EBITDA and Internal Rate of Return.

(12) Projected annual gross terminal revenue.

(13) Projected operating and capital expenses.

(14) Defined gaming market and projected visitation.

(15) Additional documentation or information required by the Board.

§ 437.6. Character requirements.

(a) An applicant for a slot machine license shall prove by clear and convincing evidence the good character, honesty and integrity of the applicant and its affiliates, intermediaries, subsidiaries and holding companies in accordance with section 1310 of the act (relating to slot machine license application character requirements).

(b) Prior to approval of a slot machine license, the Board will make a finding relating to the applicant's good character, honesty and integrity.

(c) The applicant shall provide the following to the Board:

(1) Information, documentation and assurances pertaining to family and personal background, habits, character, reputation, business activities, financial affairs and business, professional and personal associates for the 10 years immediately preceding the filing date of the application for the applicant, its key employee qualifiers and key employees, to include the information required under § 435.2(b) (relating to key employee qualifier license) as well as the following:

(i) Contact information for prior employers.

(ii) Education history.

(iii) Family and marital history, including any current court orders relating to alimony, spousal support or child support.

(iv) Credit history.

(v) History of insurance claims relating to the business activities of the applicant or its affiliate, intermediary, subsidiary or holding company.

(vi) Information relating to any health-related issues involving alcohol or controlled substances.

(vii) A list of at least five references, to include contact information for each.

(2) Notice of any civil judgment obtained against the applicant, and its key employee qualifiers or key employees pertaining to antitrust or security regulation of laws of the Federal government, the Commonwealth or other jurisdictions.

(3) A letter of reference from law enforcement agencies having jurisdiction in the applicant's and key employee qualifier's principal place of residence and place of business indicating that the agency does not have any pertinent information relating to the applicant and its key employee qualifiers. If the law enforcement agency has information pertaining to the applicant or key employee qualifier, the letter shall specify the details of the information. If no letters are received within 30 days of the request, the applicant or key employee qualifier may submit a sworn or affirmed statement that the applicant, or key employee qualifier is a citizen in good standing in his jurisdiction of residence and principal place of business.

(4) If the applicant has held a gaming license in any jurisdiction, a letter of reference from the gaming or

casino enforcement or regulatory agency in the other jurisdiction. The letter shall specify the experiences of the agency with the applicant, the applicant's associates and the applicant's gaming operation. If no letter is received within 30 days of request by the applicant, the applicant may submit a sworn or affirmed statement that the applicant's operation is in good standing with the regulatory agency.

(5) Additional information required by the Board.

§ 437.7. Procedure.

(a) If the Board determines that the applicant has proven by clear and convincing evidence that it has the financial stability, integrity and responsibility and is of good character, honesty and integrity, it may issue a slot machine license under this chapter.

(b) The Bureau may file an objection with the Board to the issuance of a license under this chapter if the Bureau determines that the applicant, a key employee qualifier, key employee or other employee or associate of the applicant, fails to meet the requirements of this chapter regarding financial fitness and character requirements.

(1) The Board will review the information contained in the objection by the Bureau and determine if the information warrants the denial of an application, divestiture under § 437.8 (relating to divestiture) or the imposition by the Board of conditions upon a license which establish the applicant's financial fitness and character as required by the Board.

(2) The Board may direct an applicant to disassociate itself with any employee or associate objected to by the Board or the Bureau, order divestiture under section 1312 of the act (relating to divestiture of disqualifying applicant) or to otherwise cure any defect that will enable the applicant to meet the financial fitness or character requirements of the act.

§ 437.8. Divestiture.

(a) If the Board determines that a slot machine license cannot be approved because the applicant, its key employee qualifier or other person who holds a direct or indirect interest in the applicant or in an affiliate, intermediary, subsidiary or holding company of the applicant, does not meet a character or other eligibility criteria required by section 1310 of the act (relating to slot machine license application character requirements), the Board may grant the person 120 days following the determination to completely divest his interest in the applicant or its affiliate, intermediary, subsidiary or holding company.

(b) The person shall notify the Board of his intention to divest within 30 days of notice from the Board of the opportunity to divest. The Board may extend this time period at its discretion.

(c) Failure to divest within 120 days, or within the time period prescribed by the Board, will constitute a *per se* disqualification of the applicant to receive a slot machine license.

(d) Following divestiture, the Board will reconsider the applicant's suitability for licensure in an expedited procedure.

(e) The terms of divestiture shall be approved by the Board.

(f) The Board will not approve a divestiture if the compensation received for the divested interest exceeds the value of the interest.

§ 437.9. Category 1 slot machine licenses.

(a) To be eligible to receive a Category 1 slot machine license, an applicant shall submit the following:

(1) A statement detailing the applicant's regulatory history as a licensed racing entity under the jurisdiction of the State Horse Racing Commission or State Harness Racing Commission, including the applicant's history of suitability and compliance with the Race Horse Industry Reform Act in the operation of the race track and nonprimary locations and the conduct of pari-mutuel wagering.

(2) A verification from the Horse Racing Commission or the Harness Racing Commission stating that the applicant has satisfied the license eligibility requirements under section 1302 of the act (relating to Category 1 slot machine license).

(3) A verification from the Horse Racing Commission or the Harness Racing Commission stating that the applicant has satisfied the live racing requirements under section 1303 of the act (relating to additional Category I slot machine license requirements).

(4) A detailed plan for the management and use of backside area improvement and maintenance accounts under section 1404 of the act (relating to distribution from licensee's revenue receipts).

(5) A detailed plan for the management of accounts created from funds allocated under section 1406 of the act (relating to distributions from Pennsylvania Race Horse Development Fund).

(b) The Horse Racing Commission or the Harness Racing Commission may submit additional information to the Board if the Commission believes it will assist the Board in making a determination relating to the operational, financial or character fitness of the applicant.

(c) The Board may issue a Category 1 slot machine license if it determines that the applicant has complied with this section and has proven by clear and convincing evidence that it has the financial stability and integrity and the good character, honesty, integrity and responsibility to qualify for a slot machine license.

(d) An applicant for a conditional Category 1 license who has paid the fee under § 437.4(3) (relating to slot machine license application) as part of its conditional license application shall only pay the additional costs of updating background information as required by the Board.

(e) All information deemed necessary by the Board to determine the operational viability, financial fitness or character of the applicant.

§ 437.10. Responsibilities of licensed organizations.

If a Category 1 license is issued to a legal business entity in an organization, all requirements, duties and obligations imposed by this part or the act on a licensed racing entity or a licensed racetrack shall be deemed to be requirements imposed on the organization. If more than one licensed racing entity, on July 5, 2004, was conducting a racing meet at the same licensed racetrack where an organization has been issued a Category 1 slot machine license, section 1303 of the act (relating to additional Category 1 slot machine license requirements) applies to each licensed racing entity at that licensed racetrack. If a Category 1 license is issued to a legal business entity in an organization, the organization shall be responsible for ensuring that distributions received from the Race Horse Development Fund under

section 1406 of the act (relating to distributions from the Pennsylvania Race Horse Development Fund) are properly allocated in accordance with section 1406(a)(1) of the act.

§ 437.11. Alternative Category 1 licensing standards.

(a) If an applicant for a Category 1 license, or its affiliate, intermediary, subsidiary or holding company holds a similar license in another jurisdiction in the United States or Canada, the applicant may submit a written request with its application for the Board to adopt an abbreviated licensing process under section 1314(b) (relating to alternative Category 1 licensing standards) of the act to review a Category 1 license application.

(b) The Board may use the abbreviated process if:

(1) The Board determines, after investigation, that the licensing standards in the other jurisdiction in which the applicant or its affiliate, intermediary, subsidiary or holding company is licensed is similarly comprehensive, thorough and provides safeguards that are equal to or greater than those provided in the act and granting the request would be in the public interest.

(2) A completed application for a Category 1 license has been filed with the Board which includes the name and address of the regulatory agency in the other jurisdiction.

(3) The Board has received a copy of the completed application and all renewal applications filed in the other jurisdiction and all accompanying documents provided by the jurisdiction.

(4) The applicant has provided current, updated information to the Board regarding the license in the jurisdiction relating to its financial viability and suitability and good character.

(5) The applicant has no administrative or enforcement actions pending in any other jurisdiction or the applicant has adequately disclosed and satisfactorily explained the action to the satisfaction of the Board.

(6) There are no pending or ongoing investigations of possible material violations by the applicant in any other jurisdiction or the applicant has adequately disclosed and satisfactorily explained the investigation to the satisfaction of the Board.

(c) The abbreviated process does not waive fees associated with obtaining a Category 1 license.

(d) The Board may determine to use an alternate, abbreviated process requiring only that information determined by the Board to be necessary to consider the issuance of the license, including the financial viability of the applicant.

(e) Following the issuance of a Category 1 license under this section, the Board will conduct a complete review of all information submitted under §§ 437.4—437.6 (relating to slot machine license application; financial fitness requirements; and character requirements) and this section. If the Board determines that the applicant does not meet the financial suitability and character requirements of the act, the Board will revoke the license or suspend or condition the license until the applicant meets all the requirements of the act.

§ 437.12. Conditional Category 1 licenses.

(a) A person who is eligible for a Category 1 license may apply for a conditional Category 1 license.

(b) An application for a conditional Category 1 license shall include the following information:

(1) A statement detailing the applicant's regulatory history as a licensed racing entity under the jurisdiction of the State Horse Racing Commission or State Harness Racing Commission, including the applicant's history of suitability and compliance with the Race Horse Industry Reform Act in the operation of the racetrack and any nonprimary locations and the conduct of pari-mutuel wagering.

(2) A verification from the Horse Racing Commission or the Harness Racing Commission stating that the applicant has satisfied the license eligibility requirements under section 1302 of the act (relating to Category 1 slot machine license).

(3) A verification from the Horse Racing Commission or the Harness Racing Commission stating that the applicant has satisfied the live racing requirements under section 1303 of the act (relating to additional Category 1 slot machine license requirements).

(4) A copy of the applicant's audited financial statements for the last 5 years.

(5) A chart disclosing the organizational structure of the applicant and identifying the affiliate, intermediary, subsidiary or holding company, if any, that will operate the slot machine facility under a conditional Category 1 license.

(6) A statement identifying and providing the required licensing information under §§ 435.2 and 435.3 (relating to key employee qualifier license; and key employer license) for all key employee qualifiers and key employees who will conduct slot machine operations under the conditional license.

(7) An original and one copy of the Multi-Jurisdictional Disclosure Form for each key employee qualifier and key employee and a consent form from each of these individuals authorizing the Board to conduct a background investigation and a release signed by each key employee qualifier and key employee identified under paragraph (4) of all information required to complete the investigation.

(8) A detailed statement that includes the following:

(i) The location of the proposed slot machine facility.

(ii) The detailed plans for the slot machine facility to be operated under the conditional license, including architectural and engineering plans.

(iii) The number of machines which the applicant plans to operate.

(iv) A description of how the slot machine operations under the conditional license will enhance the applicant's horse racing operations.

(v) The estimated capital expenditure, including the cost of purchasing slot machines, for the applicant's proposed facility under the conditional license.

(9) A current tax clearance review performed by the Department.

(10) A current Unemployment Compensation Tax clearance certificate and a Workers' Compensation Tax clearance certificate from the Department of Labor and Industry.

(11) Detailed information pertaining to any gaming, slot machine or casino license held or denied in any other jurisdiction and an executed consent form authorizing the

Board to obtain documents and information relating to gaming operations in the other jurisdiction.

(12) The application bond or letter of credit required under § 437.13 (relating to application bond or letter of credit requirement). The Board may waive the requirement if the applicant provides adequate documentation regarding its ability to pay the \$50 million licensing fee upon issuance of a conditional Category 1 license.

(13) A sworn or affirmed statement that the applicant, its key employee qualifiers and key employees have not been convicted of a felony or a gambling offense in any jurisdiction within the past 15 years.

(c) An application submitted under subsection (a) and all information obtained by the Board or the Bureau relating to the application shall be part of the evidentiary record of the licensing proceeding. All information obtained, including background investigation information and documents and information from other jurisdictions shall be served on the applicant. The Board's decision to issue or deny a conditional Category 1 license will be based solely on the evidentiary record before the Board.

(d) The Board will consider and evaluate the applicant's record with the State Horse Racing Commission or the State Harness Racing Commission for operating a racetrack and any nonprimary location and conducting pari-mutuel wagering as a factor in its deliberations relating to the issuance of a conditional license.

(e) The Board will not issue a conditional Category 1 license:

(1) Until 90 days following the Board's initial approval, conditioning or denial of all filed applications for manufacturer and supplier licenses.

(2) Until the applicant's application for a Category 1 license under section 1302 of the act (relating to Category 1 slot machine license) has been filed and deemed complete by the Board.

(3) Until a filing date has been established by the Board for applications for all categories of slot machine licenses under § 437.2 (relating to initial slot machine application deadlines).

(f) If the holder of a conditional Category 1 license does not receive Board approval for a Category 1 license within 18 months of the deadline established by the Board for the submission of all completed applications under section 1301 of the act (relating to authorized slot machine licenses), the conditional Category 1 license shall be forfeited and the authorization to place and operate slot machines at the licensed facility shall be revoked.

(g) If a conditional Category 1 license expires without the issuance of a license or if an application for a license is denied, the applicant shall be entitled to a return of 85% of the conditional slot machine license fee submitted with the application.

§ 437.13. Application bond or letter of credit requirement.

(a) Except as otherwise provided in § 437.12 (relating to conditional Category 1 licenses), an application for a slot machine license shall include an original payment bond or an original irrevocable letter of credit that includes a draw certificate, at the applicant's option, guaranteeing the applicant's payment of the slot machine license fee required by section 1209(c) of the act (relating to slot machine license fee), if the license is issued and approved.

(1) The payment bond or irrevocable letter of credit shall be submitted and approved by the Board before the application may be deemed complete. The payment bond or irrevocable letter of credit shall be in the following amounts:

(i) \$50,000,000 for each application for a Category 1 or Category 2 license.

(ii) \$5,000,000 for each application for a Category 3 license.

(2) It is not necessary for an applicant who has paid the \$50,000,000 slot machine license fee upon the issuance of a conditional Category 1 license under § 437.12 to post an additional payment bond or letter of credit in connection with its application for a Category 1 license if the application involves the same applicant at the same licensed facility.

(b) Unless otherwise required by the Board, a bond or letter of credit provided under this section must comply with the following:

(1) A bond must be issued by a surety company that is licensed by the Insurance Department and guaranteed by a guarantor that is licensed by the Insurance Department.

(2) A letter of credit must be issued by a bank, trust company, National banking association or corporation subject to registration with the Board of Governors of the Federal Reserve System under the Bank Holding Company Act of 1956 (12 U.S.C.A. §§ 1841—1849) whose unsecured obligations or uncollateralized long-term debt obligations have been assigned a rating within the two highest rating categories by Moody's and Standard & Poor's, or upon the discontinuance of Moody's or Standard & Poor's, by another Nationally recognized rating service.

(c) An application is not deemed complete until the Board investigates and approves the proposed terms of the payment bond or letter of credit and the surety or financial institution that will issue the payment bond or irrevocable letter of credit.

(d) The payment bond or letter of credit provided under this section must state that it is payable to "The Commonwealth of Pennsylvania" as the obligee for immediate payment of the slot machine license fee if the license has been approved and issued by the Board and the license fee has not been paid in full within 5 business days following the issuance of the license.

(e) The bond or letter of credit must state that it will run continuously and remain in full force and effect throughout the period in which the application is on file with the Board and until the application is denied or all of the following occur:

(1) The application is approved.

(2) The license is issued.

(3) The license application fee is paid.

§ 437.14. Slot machine license issuance bond requirement.

(a) A licensed gaming entity shall post an original performance bond in the amount of \$1,000,000 upon the issuance of a slot machine license.

(b) Unless otherwise required by the Board, the bond must comply with all of the following:

(1) The performance bond must be issued by a surety company licensed by the Insurance Department and guaranteed by a guarantor that is licensed by the Insurance Department.

(2) A licensing gaming entity shall submit its proposed performance bond to the Board prior to the issuance of a slot machine license. The Board will investigate and approve the proposed terms of the bond and the surety that will issue the bond and the guarantor that will guarantee the bond.

(3) The bond must state that it is payable to "The Commonwealth of Pennsylvania" as the obligee for immediate payment of the licensed gaming entity's financial obligations to the Commonwealth under the act and as security to guarantee that the licensed gaming entity faithfully makes the payments, keeps its books and records, makes reports and conducts its operations in compliance with the act.

(4) The performance bond must state that it will run continuously and remain in full force and effect throughout the period of time that the slot machine license is in effect. The surety shall provide the Board at least 30 days written notice of cancellation of the bond.

(c) The Board may demand that the slot machine licensee post a new bond upon the occurrence of any of the following:

(1) Liability on the existing bond is discharged or reduced by judgment rendered, payment made or similar occurrence.

(2) The Board determines that the surety or guarantor is no longer satisfactory.

(3) The licensed gaming entity requests the right to post a new bond.

(4) The Board receives notice that the bond will be cancelled.

§ 437.15. Political subdivision comment.

(a) Under section 1506 of the act (relating to local land use preemption), a political subdivision in which an applicant for a slot machine license has proposed to locate a licensed facility shall have at least 60 days from the receipt of the local input statement under § 437.4(21) (relating to slot machine license application) to provide comment on the application and its potential impact on the political subdivision. Information provided in the local impact statement shall be included in the evidentiary record.

(b) The political subdivision may provide a written statement to the Board that it has reviewed the local impact report and waives its right to the comment period.

§ 437.16. Public input.

(a) If the Board determines that there is substantial public interest in a slot machine licensing proceeding, it will conduct at least one public hearing in the municipality where the proposed facility is located in which slot machines will be placed and operated.

(b) The Board will develop and publish a protocol establishing the procedure to be used in the conduct of a public hearing under this section.

Subpart H. COMPULSIVE AND PROBLEM GAMBLING

CHAPTER 501. COMPULSIVE AND PROBLEM GAMBLING REQUIREMENTS

CHAPTER 501. COMPULSIVE AND PROBLEM GAMBLING REQUIREMENTS

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§ 501.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Qualified treatment professional—

(i) A mental health or behavioral health professional who has produced documentation of the training, experience and competency, including a license or certification in good standing if required by the Commonwealth, necessary to treat compulsive and problem gambling.

(ii) The term includes community based organizations such as gamblers anonymous.

§ 501.2. Compulsive and problem gambling plan.

A slot machine licensee shall submit a compulsive and problem gambling plan to the Board within 90 days of issuance of a slot machine license. The plan must meet the minimum standards in this subpart. The maintenance of the plan approved under this subpart shall be a condition of license renewal.

§ 501.3. Criteria for development.

(a) A compulsive and problem gambling plan must include the following:

(1) The goals of the plan and procedure and timetables to implement the plan.

(2) The identification of the individual who will be responsible for the implementation and maintenance of the plan under this subpart.

(3) Policies and procedures including the following:

(i) The commitment of the licensee to train appropriate employees.

(ii) The duties and responsibilities of the key employees and gaming employees designated to implement or participate in the plan.

(iii) The responsibility of patrons with respect to responsible gambling.

(iv) Procedures to identify patrons and employees with suspected or known compulsive and problem gambling behavior.

(v) Referral of individuals self excluded from gaming activities under section 1516 of the act (relating to list of persons self excluded from gaming activities) to qualified treatment professionals, including mental health, behavioral health and other professions and to community compulsive gambling organizations.

(vi) Referral of suspected or known compulsive and problem gamblers to qualified treatment professionals. This paragraph does not create a duty for licensed facilities or its employees to refer compulsive and problem gamblers to qualified treatment professionals.

(4) The provision of printed material to educate patrons about compulsive and problem gamblers and gambling and to inform them about treatment services available to compulsive and problem gamblers and their families. The slot machine licensee shall provide examples of the materials to be used as part of its plan, including signs, brochures and other printed material and a description of how the material will be disseminated.

(5) An employee training program, including training materials to be utilized and a plan for periodic reinforcement training.

(6) A certification of an employee's completion of the training required by the plan in a form approved by the Board.

(7) An estimation of the cost of development, implementation and administration of the plan.

(8) The qualified treatment professional and community organizations to which compulsive and problem gamblers will be referred.

(9) Procedures to prevent underage gambling.

(10) If the plan includes an outreach program, the details of the program.

(11) Other policies and procedures to encourage responsible gambling.

(b) The Board may provide the plan submitted by the slot machine licensee to the Department of Health for evaluation. The Department of Health may provide comments and recommendations to the Board relating to the plan.

§ 501.4. Employee training program.

(a) A plan submitted under this subpart must include an employee training program, including instruction in the following:

(1) Characteristics and symptoms of compulsive behavior, including compulsive and problem gambling.

(2) The relationship of compulsive and problem gambling to other addictive behavior.

(3) The social and economic consequences of compulsive and problem gambling, including debt, treatment costs, suicide, criminal behavior, unemployment and family counseling.

(4) Identification of vulnerable groups, including low-income individuals, the elderly, the unemployed, and individuals who abuse drugs or alcohol.

(5) Intervention techniques to be used when compulsive and problem gambling is suspected or identified.

(6) Techniques to be used to discuss compulsive and problem gambling with patrons and to refer and advise patrons regarding community, public and private treatment services.

(b) New employee training shall be conducted by qualified treatment professionals within timetables approved by the Board for the completion of training.

(c) Key employees and gaming employees designated to receive training shall receive the certification form under subsection (a)(6) upon completion of the training.

(d) Key employees and gaming employees who are required to receive training under the plan shall receive periodic reinforcement training, which shall be reported in a manner prescribed by the Board.

(e) A key employee or gaming employee may report suspected or identified compulsive or problem gamblers to a designated key employee or other supervisory employees. The employee who makes a report under this subsection shall be immune from liability under § 501.6 (relating to liability).

(f) The identity of an individual suspected of known compulsive or problem gambling shall be confidential except as provided under this subpart and section 1516(d) of the act (relating to list of persons self excluded from gaming activities).

(g) Slot machine licensees may collaborate with qualified treatment professionals to develop an Internet based employee training program to provide the training and reinforcement training in accordance with this subpart. The use of the Internet based program must be approved by the Board prior to the use of the program to meet the requirements of this subsection.

(h) If the plan submitted under this subpart meets the minimum requirements of this subpart, the Board will approve the plan. The Board will approve or disapprove the plan within 90 days of its submission. If the Board disapproves of the plan, the applicant shall have 30 days to make the changes requested by the Board and to resubmit the plan to meet the minimum requirements in this subpart.

§ 501.5. Reports.

A slot machine licensee shall submit an annual summary of its compulsive and problem gambling plan with its application for renewal of the slot machine license.

§ 501.6. Liability.

A licensed gaming entity or an employee is not liable for damages in any civil action, which is based on the following:

(1) Failure to include any of the requirements of this chapter in its compulsive and problem gambling plan under this section.

(2) Compliance or noncompliance with this chapter or a plan adopted under this chapter.

(3) An action or failure to take action under this chapter or a plan adopted under this chapter.

(4) Failure to withhold gaming privileges from an individual.

(5) Permitting an individual to engage in gaming activity.

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